

9.02 | APPEAL

The appellate court over the Middle District of Florida is the United States Court of Appeals for the Eleventh Circuit. That court handles appeals from all federal courts in Florida, Georgia, and Alabama. It is headquartered in Atlanta. Like this court, the Eleventh Circuit Court of Appeals also offers a pro se handbook for a pro se litigant. You can view it on the Eleventh Circuit's website:

Preparing an Appeal—Pro Se Appellants (Rev. 1/19)

[www.call.uscourts.gov/sites/default/files/courtdocs/clk/Pro Se Handbook Final DEC19.pdf](http://www.call.uscourts.gov/sites/default/files/courtdocs/clk/Pro%20Se%20Handbook%20Final%20DEC19.pdf)

If you disagree with an appealable order or a final judgment of the district court, you can appeal under the Federal Rules of Appellate Procedure. First reading the rules and determining if you have a right to an appeal is important. If you do not have a right to an appeal and file one anyway, the proceedings in your action will be delayed.

If you have a right to an appeal, you must quickly file a notice of appeal in the district court. The number of days to file an appeal after a judgment varies, so you must consult the rules. The number of days can be as few as 20. Here are the contents of a typical notice of appeal:

[Name of party appealing] hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the [final judgment or order] entered in this case on [month] [day], [year].

When you appeal, you must pay a \$505 filing fee to the district court. If you cannot afford the filing fee, you may request to proceed in forma pauperis on appeal and have the fee waived. Any party who is not a prisoner and who has been allowed to proceed in forma pauperis in the district court also may proceed in forma pauperis on appeal to the Eleventh Circuit Court of Appeals.

If you did not proceed in forma pauperis in this court but would like to proceed in forma pauperis on appeal to the Eleventh Circuit Court of Appeals, you must file a special form with your notice of appeal so the court can decide whether you qualify to proceed in forma pauperis. If the court waives the filing fee, you are still be responsible for all other costs of the appeal. You can get the form from the clerk's office or from the Eleventh Circuit Court of Appeals' website:



Motion for Permission to Appeal In Forma Pauperis with Affidavit

www.call.uscourts.gov/sites/default/files/courtdocs/clk/FormFormaPauperisJUN18.pdf

