



**11TH CIRCUIT COURT OF APPEAL'S
PRO SE HANDBOOK
(ALL-IN-ONE DOCUMENT)**

{LAST UPDATE: 12/1/2019}
TBD 0.400

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11TH CIRCUIT COURT OF APPEALS'
PRO SE HANDBOOK

SECTION I INTRODUCTION

ITEMS A0 through A3

INTRO I | BASIC INFO

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Office of the Clerk

December 2012 (Last Revised: December 2019)

Preparing an Appeal - Pro Se Appellants

Mailing Address:

Office of the Clerk

U.S. Court of Appeals for the Eleventh Circuit

56 Forsyth St., NW

Atlanta, GA 30303

Before preparing your appeal, please read all of the following information carefully.

INTRO II | POINTS TO KEEP IN MIND

- In general, only cases which have been first filed, and finally decided, in a United States District Court or Bankruptcy Court within this Circuit (Alabama, Florida, and Georgia), the United States Tax Court, and certain federal agencies may be appealed to this Court. This Court does not have authority to act in appeals from state and county courts.
- Once your appeal has been assigned a Court of Appeals case number, (example: 20-00000-AA) include this number and the alpha character(s) on all correspondence and filings you send to this Court and to opposing counsel/party.
- Keep a copy of all documents you send to this Court for your personal files.
- Your documents can be typed or written, but must be legible. If the Clerk cannot read the documents you've sent, they will not be processed.
- Notify the Clerk's Office in writing if you move or your mailing address changes. If you do not, you could miss important notices and papers providing deadlines or decisions in your case. Missing a filing deadline may cause your case to be dismissed.

INTRO III | ELECTRONIC CASE FILING

Non-incarcerated pro se parties are permitted to use the Court's Electronic Case Files (ECF) system; however, the Court may revoke such permission upon a finding that the party has abused the privilege of using the ECF system.

Incarcerated pro se parties must file submit all filings to the Court in paper.

INTRO IV | OVERVIEW

Case Number.

When your notice of appeal is received from the U.S. District Court or U.S. Tax Court, or your petition for review or original proceeding is received in the Clerk's Office and is deemed compliant with the rules of the Court, a case number is assigned that consists of numbers and letters (alpha characters).

When your case is docketed, you will receive:

- Certificate of Service form, if necessary
- Certificate of Interested Persons form
- In Forma Pauperis application form, if necessary
- If there were no hearings in the lower court from which a transcript could be made, you will receive:

Notice of the deadline for filing your opening brief on appeal

Briefing checklist. A checklist of the requirements of the contents of a brief in the Eleventh Circuit

Instructions for Preparing an Appendix, unless you are incarcerated, in which case you do not need to file an appendix.

Other Initiating Matters: (if applicable)

- A Transcript Information Form can be obtained from the district court or from this Court's website at www.ca11.uscourts.gov
- Certificate of Appealability (COA) - see Section 4 of "General Information"

Change of address. It is your responsibility to immediately advise the Clerk's Office of any change in your address.

Filing and Docketing fees. You must pay the fees set out as follows, unless you ask that the fees be waived (proceeding *in forma pauperis*):

- For appeals from a U.S. District Court, you must pay the \$505.00 filing and docketing fees to the District Court.

- For petitions for review of agency orders and certain original proceedings filed in this Court, you must pay the \$500 docketing fee to this Court.
- For appeals from the U.S. Tax Court, you must pay the \$500 docketing fee to the Tax Court.

Instructions for filing a motion to proceed *in forma pauperis* are included in the "General Information" section of this document. If your motion to proceed *in forma pauperis* is denied, and you do not pay the fee, your case will be dismissed for want of prosecution.

Please see www.ca11.uscourts.gov/fee-schedules for additional fee information.

Opening brief.

You must file your opening brief by the date stated on the notice from the Clerk. A brief received before the due date that is not in compliance, will be returned with the suggestion to correct the brief and file at the designated time.

Reply brief.

While not required, if you wish to file a reply to the opposing party's brief, you must do so within 21 days of the service date of that brief.

Habeas cases.

If you are appealing from an action filed pursuant to 28 U.S.C. § 2254 or § 2255, or are a state prisoner appealing the denial of a 28 U.S.C. § 2241 habeas petition, you must first obtain a certificate of appealability (COA) regarding any issues you wish to raise in your brief. If the District Court has denied a COA, you may request a COA from this Court, although you are not required to do so. 11th Cir. R. 22-1. See the "General Information" section for more information.

Completion of briefing.

Once all the briefs are filed, the case will be submitted to a panel of three judges. Unless the case is classed for oral argument, your case will be decided on the information included in the briefs and the record. FRAP 34(a). If the judges decide oral argument would be

beneficial to the Court, you will receive notice from the Clerk's Office regarding the placement of the case on a hearing calendar.

Final decision.

When the judges have decided your case, you will receive a notice from the Clerk's Office along with a copy of the Court's ruling.

11TH CIRCUIT COURT OF APPEALS'
PRO SE HANDBOOK

ARTICLE II GENERAL INFORMATION

ITEMS 1 through 12

GENERAL INFO 1 | THE COURT OF APPEALS

The Court of Appeals reviews final decisions of the U.S. District Courts, U.S. Tax Court, U.S. Bankruptcy Courts, and certain federal agencies. The Court looks at the record of the lower court or the agency, as well as the briefs of the parties.

GENERAL INFO 2 | THE FEDERAL RULES

Carefully follow the Federal Rules of Appellate Procedure (FRAP) and the 11th Circuit Rules. The FRAP and 11th Circuit Rules are available on the Court's website, www.ca11.uscourts.gov under the Rules & Procedures link.

GENERAL INFO 3 | PAYMENT OF FEES

For appeals from the District Court, the docketing and filing fees are paid at the District Court where the notice of appeal was filed.

If you cannot afford to pay the fees, you may file a motion to proceed without payment of fees, called a motion to proceed *in forma pauperis*. A financial affidavit, including a statement by you swearing under penalty of perjury that you do not have enough money or other assets to pay the fees, must be included with your motion. (See *Forms* at the end of this document)

If you do not pay the filing fees or file a motion to proceed *in forma pauperis*, your case will be dismissed. 11th Cir. R. 42-1(b).

- The motion to proceed *in forma pauperis* may be denied if the Court determines that -
 - the allegation of poverty is untrue; or
 - the action or appeal -
 - o is frivolous or malicious,
 - o fails to state a claim on which relief may be granted, or
 - o seeks monetary relief against a defendant who is immune from such relief

If the motion is denied, you must pay the fees or your case will be dismissed. FRAP 24.

- If your motion to proceed *in forma pauperis* is granted, you do not need to pay the filing fees, unless you are a prisoner in a civil (non-habeas corpus) appeal, in which case you will be required to pay the entire \$505.00 filing and docketing fee when funds exist in your prison account. 28 U.S.C. § 1915(b).
- **If you are incarcerated,** the Court will notify you of your obligations under this statute [28 U.S.C. § 1915(b)] and will require you to complete and return an authorization form to allow prison officials to deduct the funds from your account on a monthly basis.

- **All** litigants proceeding *in forma pauperis* still have to pay for other expenses of their appeal, including copying and mailing. FRAP 39.
- **If you were permitted to proceed *in forma pauperis* in the District Court,** you need not file a motion in this Court. FRAP 24(a). You will still be obliged to pay the fees under 28 U.S.C. § 1915(b) in civil appeals if you are incarcerated.
- If at any time the District Court has found you are not entitled to *in forma pauperis* status, or that your appeal is not taken in good faith, you must file a motion to proceed *in forma pauperis* with this Court or pay the filing and docketing fees.

GENERAL INFO 4 | CERTIFICATE OF APPEALABILITY

In all appeals from proceedings filed pursuant to 28 U.S.C. §§ 2254 or 2255, the appellant must obtain a certificate of appealability (COA) in order to seek review in the Court of Appeals. FRAP 22(b). A COA is also required for state prisoners appealing the denial of a 28 U.S.C. § 2241 petition.

- If the District Court denies a COA as to all issues, a COA from the Court of Appeals is required. 11th Cir. R. 22-1.
- A timely notice of appeal may be considered as a request for COA in the Court of Appeals. You may also file an application for a COA with this Court. See 11th Cir. R. 22-1(a).

GENERAL INFO 5 | TRANSCRIPT INFORMATION FORM

In order to make a hearing in the District Court a part of the record on appeal, the hearing must be transcribed.

- Fill out the Transcript Information Form and include the date of the hearing and the name of the court reporter who reported the hearing.
- A copy of the form must be sent to the court reporter, filed with the District Court Clerk and the Court of Appeals Clerk, and served on opposing counsel.
- Forms for ordering transcripts are available from the District Court clerk and are available on this Court's website: www.ca11.uscourts.gov

GENERAL INFO 6 | TRANSCRIPT AT GOVERNMENT EXPENSE

Having *in forma pauperis* status in civil appeals does not automatically entitle you to transcripts at government expense.

- You must first file a motion for transcripts in the District Court.
- If that motion is denied, you can file the same motion in the Court of Appeals.
- You may request transcripts at government expense only for hearings held in the District Court from which your case originated.

GENERAL INFO 7 | APPOINTMENT OF COUNSEL

In direct criminal (non-habeas) appeals, if you have in forma pauperis status or can show that you are indigent, you may ask the Court to appoint counsel to represent you. The motion must be served on opposing counsel.

GENERAL INFO 8 | CERTIFICATE OF COMPLIANCE

You may be required to include with briefs and other papers a certificate of compliance ("CoC") showing that your document does not exceed the applicable length limits. The general rules are set out below, but see the "Sample Certificate of Compliance" at the end of this document for additional information.

Briefs

- CoC is **required** for briefs filed in reliance on a word or line limit
- CoC is **not required** for briefs filed in reliance on page limits

Motions, Responses, Replies, Petitions, and Answers

- CoC is **required** if paper is produced using a computer (word limits apply)
- CoC is **not required** if paper is handwritten or typewritten (page limits apply)

Application for a Certificate of Appealability

- CoC is required if a CoC would otherwise be required under FRAP 32(a)(7)(B). See 11th Cir. R. 22-2.

GENERAL INFO 9 | FILING A BRIEF AND AN APPENDIX IN THIS COURT

Your brief is the written argument of your case. As the appellant, you will file the first brief, or opening brief. The other side, the appellee, is given a chance to file a brief answering your arguments - the response brief. You will then have an opportunity to respond to the appellee's arguments in a reply brief.

The appendix contains copies of portions of the district court, bankruptcy court, Tax Court, or agency record that support your appeal, and it must be bound separately from the brief.

The Clerk's Office issues a notice telling you when your opening brief and appendix are due. Do not file an opening brief or appendix until you receive a due date from the Clerk's Office. Your appeal will be dismissed if you do not file your brief when it is due.

Filers using the ECF system are required to file briefs and appendices electronically and to provide the required number of paper copies of briefs and appendices.

BRIEF

FRAP 28 and 32, along with 11th Cir. Rules 28-1, 28-3, and 28-5, contain the requirements for the content and form of a brief.

In general, paper copies of briefs should include:

- A durable cover, front and back, with the 11th Circuit's case number on the front
 - *The color of the covers of briefs are:*
 - *Brief of appellant - blue*
 - *Brief of appellee - red*
 - *Reply brief of appellant - gray*
 - *Amicus brief - green*
 - *Appellate intervenor - green*
 - *Supplemental brief -- white*
 - *The color of the covers of briefs in a cross-appeal are:*
 - *Brief of appellant - blue*
 - *Brief of appellee-cross-appellant - red*
 - *Brief of cross-appellee and reply brief of appellant - yellow*
 - *Reply brief of cross-appellant - gray*
 - *Amicus brief - green*
 - *Appellate intervenor - green*
 - *Supplemental brief -- white*

- A Certificate of Interested Persons
- A Statement Regarding Oral Argument
- A Statement of the Facts of your case
- What the originating court decided
- The issues in your appeal
- The arguments you wish to present
- A statement of what relief you want from this Court - what you want this Court to do - and why
- Your signature. Briefs **must** be signed by each pro se appellant - you cannot sign on behalf of or for another appellant
- A Certificate of Service providing the name and address of the person(s) on whom you served the brief, if required by FRAP 25(d)

Your brief must meet the requirements of the FRAP and Circuit Rules. If it does not, the Clerk's Office will issue a notice of deficiency indicating which item(s) are missing and providing a specific amount of time in which to remedy the deficiency. Failure to timely file the corrections may result in the dismissal of your appeal. 11th Cir. R. 42-3.

File the **original and 6 copies** of your briefs with the Court. However, if you are proceeding *in forma pauperis*, you may file the **original and 3 copies**. 11th Cir. R. 31-3. Filers using the ECF system still must provide the required number of paper copies of the brief. All filers must serve the brief on opposing counsel.

11th Cir. R. 31-1 provides the time for filing and serving a brief:

- Appellant's opening brief is due 40 days after the record is deemed filed as provided in 11th Cir. R. 12-1.
- Appellee's response brief is due 30 days after service of the brief of the last appellant.
- Appellant's reply brief may be served and filed within 21 days after service of the last appellee's brief.

APPENDIX

11th Cir. Rules 30-1 and 30-2 contain the requirements for the contents of the appendix. Also see the *Instructions for Preparing an Appendix* at the end of this document.

Your appendix must meet the requirements of the federal rules. If it does not, the Clerk's Office will issue a notice of deficiency indicating which item(s) are missing and providing a specific amount of time in which to remedy the deficiency. Failure to timely file the corrections may result in the dismissal of your appeal. 11th Cir. R. 42-3.

The appendix is filed within 7 days of the filing of your opening brief.

If you are **incarcerated**, you are not required to file an appendix. If you are **proceeding in forma pauperis**, you may file only 1 copy of the appendix. **All other pro se parties** must file 2 copies of the appendix. ECF filers still must provide the required number of paper copies of the appendix. If the appeal is classed for oral argument, the filer (except for pro se parties proceeding in forma pauperis) must file an additional three identical paper copies of the appendix within 7 days after the date on the notice from the Clerk that the appeal has been classed for oral argument. All filers must also serve the appendix on opposing counsel.

In appeals from the **district court** and the **Tax Court**, the appendix should include the items required by FRAP 30(a)(1), which are:

- the relevant docket entries in the proceeding below;
- the relevant portions of the pleadings, charge, findings, or opinion;
- the judgment, order, or decision in question; and
- other parts of the record to which the parties wish to direct the court's attention.

Other than FRAP 30(a)(1), the requirements in FRAP 30 do not apply in this circuit.

Consistent with the requirements of FRAP 30(a)(1), the appendix must include:

- A durable white cover, front and back, with the 11th Circuit's case number on the front cover

- The lower court's docket sheet (District Court, Tax Court, or Bankruptcy Court)
- Indictment, information, or petition as amended
- Complaint, answer, response, counterclaim, cross-claim, and any amendments to those items
- Parts of any pretrial order relevant to the issues on appeal
- Judgment or order that is being appealed
- Any other orders of the lower court to be reviewed
- In an appeal pursuant to 28 U.S.C. § 2254, a copy of any state court rulings sought to be reviewed
- Findings of facts and conclusions of law
- Instructions to the jury if that is an issue on appeal
- Magistrate judge's report and recommendation when appealing the order of the district judge adopting the same
- Findings and conclusions of an administrative law judge if appealing an administrative agency determination
- Relevant parts of any document, such as an insurance policy, contract, agreement, or ERISA plan
- When an issue is raised concerning the guilty plea, the transcript of the guilty plea colloquy and any written plea agreement
- When an issue is raised concerning the sentence, the transcript of the sentencing proceeding, and the presentence investigation report and addenda (under seal in a separate envelope)
- Any other pleadings, affidavits, transcripts, filings, documents, or exhibits that you believe will be helpful to this Court in deciding the appeal

In agency cases, the appendix must include the items required by FRAP 30(a)(1), which are:

- the relevant docket entries in the proceeding below;
- the relevant portions of the pleadings, charge, findings, or opinion;
- the judgment, order, or decision in question; and

- other parts of the record to which the parties wish to direct the court's attention.

Other than FRAP 30(a)(1), the requirements in FRAP 30 do not apply in this circuit.

GENERAL INFO 10 | EXTENSIONS OF TIME TO FILE A BRIEF/APPENDIX

If you need an extension of time in which to file your brief or appendix, you may request an extension in one of two ways:

- The Clerk's Office has the authority to grant one extension of 14 days in length via telephone. You may contact the case administrator assigned to your case and request an extension of up to 14 days. If granted, you will need to send a letter confirming the extension. This letter may be filed along with the brief or appendix.
- If you need more than 14 days, you must file a motion with the Clerk's Office. The motion must contain a statement of when the brief or appendix was originally due to be filed, and why the brief or appendix cannot be filed on time.
- The motion should contain a statement advising whether or not you have consent of opposing counsel, if possible.
- The motion for extension should be filed at least 7 days before the due date of the brief or appendix. 11th Cir. R. 31-2(c).

GENERAL INFO 11 | FILING MOTIONS

Any motion filed while your appeal is pending must specify the reason for the motion, the relief being sought from the Court, and the legal grounds for the relief. If your motion is being filed in paper, an original and 3 copies must be filed if the motion requires single judge action. See 11th Cir. R. 27-1(d). The motion must be made in writing and must be served on all parties.

All motions filed with the Court should contain a Certificate of Interested Persons as described in FRAP 26.1 and the accompanying 11th Circuit Rules. (See forms at the end of this document.)

A motion will be treated as an emergency only when: 1) the motion will be moot unless a ruling is obtained within 7 days; AND 2) if the order sought to be reviewed is a district court order or action, the motion is being filed within 7 days of the filing of the district court order or action sought to be reviewed. If the motion does not meet these two criteria, it may be treated as "time sensitive." 11th Cir. R. 27-1(b).

Any motion for reconsideration or clarification of an order of the Court must be filed within 21 days from the file date of the order. No additional time is allowed for mailing.

GENERAL INFO 12 | PETITIONS FOR REHEARING

If you think the Court's final decision on the merits of your case is incorrect, you may file a petition for rehearing **within 21 days of the entry of the judgment (or 45 days if your case is a civil case and there is a federal participant)**. No additional time is allowed for mailing.

Unless you are incarcerated or filing electronically, the petition must be physically received in the Clerk's Office on the due date. 11th Cir. R. 40-3.

- You must have a legal basis to support your belief that the Court's final decision was incorrect; it is not enough to simply disagree with the outcome.
- Number of copies:
 - Panel Rehearing - original and 3 copies; white covers
 - Rehearing En Banc - original and 14 copies; white covers

Use of the ECF system does not modify the requirement that filers must provide to the Court the required number of paper copies of a petition for rehearing.

If you do not file a petition for rehearing in this Court, you may file a petition for a writ of certiorari directly in the United States Supreme Court. Consult the Supreme Court's Rules before filing a petition for writ of certiorari.

11TH CIRCUIT COURT OF APPEALS'
PRO SE HANDBOOK

ARTICLE III APPENDICES

ITEMS 1 through 8

APPENDIX I | INSTRUCTIONS FOR PREPARING AN APPENDIX

See 11th Cir. Rules 30-1 and 30-2

Required Contents of Appendix. Within seven days of filing appellant's or petitioner's principal brief, the appellant or petitioner must file an **Appendix** containing those items required by FRAP 30(a)(1), which are:

- the relevant docket entries in the proceeding below;
- the relevant portions of the pleadings, charge, findings, or opinion;
- the judgment, order, or decision in question; and
- other parts of the record to which the parties wish to direct the court's attention.

Other than FRAP 30(a)(1), the requirements in FRAP 30 do not apply in this circuit.

Consistent with the requirements of FRAP 30(a)(1), this Court has determined that the following items are either relevant docket entries or relevant portions of the record in appeals from district courts and the tax court and thus must be included in the appendix:

- (1) the district court or tax court docket sheet, including, in bankruptcy appeals, the bankruptcy court docket sheet;
- (2) in an appeal in a criminal case, the indictment, information, or petition as amended;
- (3) in an appeal in a civil case, the complaint, answer, response, counterclaim, cross-claim, and any amendments to such items;
- (4) those parts of any pretrial order relevant to the issues on appeal;
- (5) the judgment or interlocutory order appealed from;
- (6) any other order or orders sought to be reviewed, including, in bankruptcy appeals, the order(s) of the bankruptcy court appealed to the district court;
- (7) in an appeal from the grant or denial of a petition for a writ of habeas corpus under 28 U.S.C. § 2254, all opinions by any state court previously rendered in the criminal prosecution and related collateral proceedings and appeals, and any state court orders addressing any claims and defenses

brought by the petitioner in the federal action. This requirement applies whether or not the state court opinions and orders are contained in the district court record;

(8) any supporting opinion, findings of fact and conclusions of law filed or delivered orally by the court;

(9) if the correctness of a jury instruction is in issue, the instruction in question and any other relevant part of the jury charge;

(10) a magistrate's report and recommendation, when appealing a court order adopting same in whole or in part;

(11) findings and conclusions of an administrative law judge, when appealing a court order reviewing an administrative agency determination involving same;

(12) the relevant parts of any document, such as an insurance policy, contract, agreement, or ERISA plan, whose interpretation is relevant to the issues on appeal;

(13) in an appeal in a criminal case in which any issue is raised concerning the guilty plea, the transcript of the guilty plea colloquy and any written plea agreement;

(14) in an appeal in a criminal case in which any issue is raised concerning the sentence, the transcript of the sentencing proceeding, and the presentence investigation report and addenda (under seal in a separate envelope; see detailed instructions below); and

(15) any other pleadings, affidavits, transcripts, filings, documents, or exhibits that any one of the parties believes will be helpful to this Court in deciding the appeal.

Except as otherwise permitted by section (7) above, under no circumstances should a document be included in the appendix that was not submitted to the trial court.

No Appendix by Respondent in Agency Cases. In agency cases, the respondent is not required to file an appendix.

Appellee's Supplemental Appendix. Within seven days of filing appellee's principal brief, appellee must file a **Supplemental Appendix** if the appellee's brief references parts of the record not contained in appellant's Appendix, or if the appellee believes that appellant's Appendix is deficient.

- The appellee's Supplemental Appendix should not duplicate any documents in the appellant's Appendix.

Appellee Must Submit an Appendix in an Appeal by an Incarcerated Pro Se Party. In an appeal by an incarcerated pro se party, counsel for appellee must submit an Appendix that includes the specific pages of any record materials (if materials are sealed, please follow instructions for Presentence Investigation Reports) referred to in the argument section of appellee's brief and those referred to in the argument section of the appellant's brief that are relevant to the resolution of an issue on appeal.

Appellant's Reply Brief. Within seven days of filing appellant's reply brief, appellant must file a **Supplemental Appendix** if the reply brief references parts of the record not contained in the appendix previously filed by any party.

Appendices in Appeals with Multiple Appellants or Appellees. In an appeal with multiple appellants or appellees, including consolidated appeals, any number of appellants or appellees may file a **Joint Appendix** or a **Joint Supplemental Appendix** and are strongly urged to do so. A party need not duplicate any material contained in the appendix filed by another party.

Appendices in Cross-Appeals. Appellant must file an Appendix as described above. Appellee/Cross-Appellant must file a Supplemental Appendix that includes record materials referred to in the argument section of its brief or relevant to the issues raised on cross-appeal, but need not duplicate any material contained in the appellant's Appendix. Within seven days of filing its second brief, Appellant/Cross-Appellee must file a Supplemental Appendix if the brief references parts of the record not contained in the appendix previously filed by any party.

Presentence Investigation Reports. In an appeal in a criminal case in which any issue is raised concerning the sentence, the appellant (or appellee in the case of an appeal by an incarcerated pro se party), or the party filing the brief, must forward one copy of the PSI under seal to the Clerk of this Court. The party must place one copy of the PSI into a separate sealed envelope marked "**SEALED**" and labeled with the appeal number, short style, and a notation that a copy of a PSI is enclosed. The sealed envelope must accompany the appendix.

Form of the Appendix and Supplemental Appendix. The Appendix must be labeled Appendix or Supplemental Appendix, as appropriate. The

Appendix must conform to the requirements of 11th Cir. Rules 30-1 and 30-2, including the following:

- 1) The first item in the Appendix must be an **Index** (see attached sample).
- 2) The second item in the Appendix must be the **district court or tax court docket sheet** including, in bankruptcy appeals, the **bankruptcy court docket sheet**, or in **agency cases**, the **relevant docket entries** in the proceeding below.
- 3) All other documents in the Appendix must be arranged chronologically by date of entry into the record.
- 4) The last document in the Appendix must be a **certificate of service** if required by FRAP 25(d).
- 5) Standard commercially-available indexing tabs or their equivalent that extend beyond the edge of the page should be staggered in sequence from top to bottom along the right-hand side.
 - Tab numbers should correspond to the original document numbers assigned by the originating court or agency and noted on the originating court or agency docket sheet.
 - The originating court or agency docket sheet should also be tabbed and identified.
 - For electronic appendices filed by counsel, separator pages showing the appropriate tab numbers should be used in place of indexing tabs.
- 6) If the Appendix exceeds 250 sheets of paper, it must be filed in multiple volumes, with each volume containing no more than 250 sheets of paper; when multiple volumes are filed, the Index must indicate the volume in which a document is located.

Number of Copies to Be Filed and Served.

- A pro se party proceeding in forma pauperis may file only one paper copy of an Appendix or Supplemental Appendix, except that an incarcerated pro se party is not required to file an Appendix.
- Every other party must file two paper copies of the Appendix or Supplemental Appendix within seven days of filing the party's brief, and if the appeal is classed for oral argument,

an additional three identical paper copies of the Appendix previously filed by the party within seven days after the date on the notice from the Clerk that the appeal has been classed for oral argument. The appendix must be served on counsel for each party separately represented, and on each pro se party.

- In agency cases, the respondent is not required to file an appendix.

Electronic Filing of Appendices

- Filers using the ECF system must file appendices electronically, as well as in paper. See 11th Cir. Rules 30-1(d) and 30-2; Section 11.1 of the Guide to Electronic Filing.
- ECF Filers should upload the appendix as a single docket event, with separate PDF attachments for each volume of the appendix. If a volume is too large to be uploaded as a single PDF, that volume should be uploaded as separate PDFs and labeled accordingly (e.g., Vol. 1, Part 1 of 2, Vol. 1, Part 2 of 2, Vol. 2, Vol. 3).

APPENDIX II | APPENDIX CHECKLIST - CIVIL CASES

Required Contents. If appealing from the denial or grant of summary judgment, the appellant must file an Appendix containing:

- ☐ 1. Index
- ☐ 2. District Court or Tax Court docket sheet (including, in bankruptcy appeals, the bankruptcy court docket sheet)

Items 3-13 to be arranged chronologically by date of entry into the record:

- ☐ 3. Complaint, answer, response, counterclaim, cross-claim, and any amendments to such items
- ☐ 4. Parts of any pretrial order relevant to issues on appeal
- ☐ 5. Judgment or interlocutory order appealed from
- ☐ 6. Other order(s) sought to be reviewed (including bankruptcy court orders)
- ☐ 7. In an appeal from the grant or denial of a petition for a writ of habeas corpus under 28 U.S.C. § 2254, all opinions by any state court previously rendered in the criminal prosecution and related collateral proceedings and appeals, and any state court orders addressing any claims and defenses brought by the petitioner in the federal action
- ☐ 8. Supporting opinion, findings of fact and conclusions of law filed or delivered orally by the court

- ☐ 9. Jury instruction (if correctness in issue)
- ☐ 10. Magistrate's report and recommendation, when appealing a court order adopting same in whole or in part
- ☐ 11. Findings and conclusions of administrative law judge, when appealing a court order reviewing administrative agency determination
- ☐ 12. Relevant parts of any document whose interpretation is central to the issues on appeal
- ☐ 13. Any other pleadings, affidavits, transcripts, filings, documents, or exhibits that appellant believes will be helpful to this Court in deciding the appeal
- ☐ 14. Certificate of Service, if required by FRAP 25(d)

Form:

- ☐ Durable White Covers (front & back)
- ☐ Indexing Tabs (Tab numbers corresponding to district court or tax court document numbers)
- ☐ No more than 250 single-sided sheets of paper in each volume

Number Required:

- ☐ Prisoner Pro Se: None

- ☐ Pro Se IFP: 1 paper copy
- ☐ Other: 2 paper copies
- ☐ Filers using the ECF system must also file electronically

APPENDIX III | APPENDIX CHECKLIST - CRIMINAL CASES

Required Contents. In an appeal in a criminal case, the appellant must file an Appendix containing:

- ☐ 1. Index
- ☐ 2. District Court docket sheet

Items 3-13 to be arranged chronologically by date of entry into the record:

- ☐ 3. Indictment, information, or petition as amended
- ☐ 4. Parts of any pretrial order relevant to issues on appeal
- ☐ 5. Judgment or interlocutory order appealed from
- ☐ 6. Other order(s) sought to be reviewed
- ☐ 7. Supporting opinion, findings of fact and conclusions of law filed or delivered orally by the court
- ☐ 8. Jury instruction (if correctness in issue)
- ☐ 9. Magistrate's report and recommendation, when appealing a court order adopting same in whole or in part

- ☐ 10. Relevant parts of any document whose interpretation is central to the issues on appeal
- ☐ 11. If any issue concerns the guilty plea, the transcript of the guilty plea colloquy and any written plea agreement
- ☐ 12. If any issue concerns the sentence, the transcript of the sentencing proceeding, and the presentence investigation report and addenda, under seal in a separate envelope
- ☐ 13. Any other pleadings, affidavits, transcripts, filings, documents, or exhibits that appellant believes will be helpful to this Court in deciding the appeal
- ☐ 14. Certificate of Service, if required by FRAP 25(d)

Form:

- ☐ Durable White Covers (front & back)
- ☐ Indexing Tabs (Tab numbers corresponding to district court document numbers)
- ☐ No more than 250 single-sided sheets of paper in each volume

Number Required:

- ☐ Prisoner Pro Se: None
- ☐ Pro Se IFP: 1 paper copy

☐ Other: 2 paper copies

☐ Filers using the ECF system must also file electronically

APPENDIX IV | APPENDIX CHECKLIST - AGENCY CASES

Required Contents. In proceedings for review of orders of an agency, board, commission, or officer, the petitioner must file an Appendix containing:

- ☐ 1. Relevant docket entries in the proceeding below;
- ☐ 2. Relevant portions of the pleadings, charge, findings, or opinion;
- ☐ 3. Judgment, order, or decision filed by the agency, board, commission, or officer
- ☐ 4. Other parts of the record to which the petitioner wishes to direct the Court's attention.

Note: The respondent is not required to file an appendix in agency cases.

Form:

- ☐ Durable White Covers (front & back)
- ☐ Indexing Tabs (Tab numbers corresponding to district court document numbers)
- ☐ No more than 250 single-sided sheets of paper in each volume

Number Required:

- ☐ Prisoner Pro Se: None

- ☐ Pro Se IFP: 1 paper copy
- ☐ Other: 2 paper copies
- ☐ Filers using the ECF system must also file electronically

APPENDIX V | SAMPLE APPENDIX INDEX

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APPENDIX VI | OPENING BRIEF OUTLINE

UNITED STATES COURT OF APPEALS
ELEVENTH CIRCUIT

Case No.

_____/'

Appellant

v.

_____/'

Appellee(s)

Appeal from the District Court for the
(insert the originating court here; example- Middle District of
Alabama)

Name

(Street Address, P.O. Box...)

City, State Zip Code

1. Certificate of Interested Persons. (See form provided in handbook)
2. Statement Regarding Oral Argument (a short statement of whether or not you wish to have oral argument and, if so, the reasons why the case should be argued before the court)
3. Table of Contents w/page references (list the sections in the brief and the corresponding page on which it appears)
4. Table of Citations (shows the locations in the brief of citations to case law)
5. Jurisdiction:
 - Date of entry of judgment or order of the originating court
 - Basis for the court of appeals' jurisdiction
 - Date notice of appeal filed
 - For prisoners, date you gave notice of appeal to prison authorities
6. Statement of the Issues (What issues of the lower court proceeding do you want this court to consider?)
7. Statement of the Case
 - What are the facts of your case?
 - What issue(s) are you raising on appeal; what do you think the originating court did wrong?)

8. Conclusion (statement of what relief you want the court of appeals to give you)

9. Certificate of Compliance (statement that the brief complies with the type size and volume limitations - see checklist; provide the number of words in the brief, or the number of lines in the brief)

10. Certificate of Service (listing of all the people to whom the brief was sent, with names and addresses, and the date when the brief was sent to them - form available on website and in handbook) (only if required by FRAP 25(d))

Signature

APPENDIX VII | GENERAL INFORMATION ON CERTIFICATE OF COMPLIANCE

A certificate of compliance ("CoC") is required whenever a word limit or line limit is used, except for the word limit for supplemental authorities in FRAP 28(j). In computing the limits, the items listed in FRAP 32(f) may be excluded. You may rely on the word or line count of the word-processing system used to prepare the document.

Briefs

- CoC is **required** for briefs filed in reliance on a word or line limit
- CoC is **not required** for briefs filed in reliance on page limits

CoC is required for a brief submitted under:

- FRAP 28.1(e) (2), 29(b) (4), or 32(a) (7) (B); or
- FRAP 29(a) (5) (if length is computed using a word or line limit).

Motions, Responses, Replies, Petitions, and Answers

- CoC is **required** if paper is produced using a computer (word limits apply)
- CoC is **not required** if paper is handwritten or typewritten (page limits apply)

CoC is required for a paper produced using a computer under:

- FRAP 5(c) (1) (a petition for permission to appeal, cross-petition, and any answer),
- FRAP 21(d) (1) (a petition for a writ of mandamus or prohibition, or other extraordinary writ, and any answer),
- FRAP 27(d) (2) (A) (a motion or response to a motion),
- FRAP 27(d) (2) (C) (a reply to a motion),
- FRAP 35(b) (2) (A) (a petition for an en banc hearing or rehearing), or
- FRAP 40(b) (1) (a petition for panel rehearing).

Application for a Certificate of Appealability

- CoC is required if a CoC would otherwise be required under FRAP 32(a)(7)(B). See 11th Cir. R. 22-2.

A sample certificate of compliance is on the next page.

APPENDIX VIII | SAMPLE CERTIFICATE OF COMPLIANCE

Check the appropriate box in section 1, and check the box in section 2.

1. Type-Volume

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This document complies with the word limit of FRAP [insert Rule citation] because, excluding the parts of the document exempted by FRAP 32(f) and [insert applicable rule citation, if any], this document contains [state the number of] words.

or

☐

This brief complies with the line limit of FRAP [insert Rule Citation] because, excluding the parts of the brief exempted by FRAP 32(f) and [insert applicable Rule Citation, if any], this brief uses a monospaced typeface and contains [state the number of] lines of text.

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(s)

Attorney for

Dated:

APPENDIX

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