

IOP 3 | APPEAL AS OF RIGHT – HOW TAKEN

1. Payment of Fees. When the notice of appeal is filed in the district court, counsel must pay to the district court clerk, pursuant to FRAP 3(e), the court of appeals docketing fee prescribed by the Judicial Conference of the United States in the Court of Appeals Miscellaneous Fee Schedule issued pursuant to 28 U.S.C. § 1913, plus the district court filing fee required by 28 U.S.C. § 1917. Upon receipt of a copy of a notice of appeal, the clerk of the court of appeals will transmit to counsel a notice advising of other requirements of the rules. See FRAP 13, 15, and 21 for information on payment of fees for Tax Court appeals, petitions for review of agency orders or writs of mandamus or other writs.

2. Opportunity to Seek Extension of Time to File Objections. The parties may seek an extension of time to file written objections to a magistrate judge's report and recommendation, provided they do so before the deadline for filing written objections passes.

3. Notice to Accompany Magistrate Judge's Findings or Recommendations. A magistrate judge's findings or recommendations under 28 U.S.C. § 636(b)(1) must be accompanied by clear notice to the parties of the time period for objecting or seeking an extension of time to file written objections and notice that failure to object in accordance with the provisions of § 636(b)(1) waives the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions.

