



**TITLE II - INTERNAL OPERATING PROCEDURES
UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT
[ALL-IN-ONE DOCUMENT]**

Appeal From a Judgment or Order of a District Court

{AS OF: 12/1/2020}

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INTERNAL OPERATING PROCEDURES | 11TH CIRCUIT (US)

SECTION: II

TITLE: APPEAL FROM A JUDGMENT OR ORDER OF A DISTRICT COURT

RULES: 3 through 12



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.

IOP 4 | APPEAL AS OF RIGHT – WHEN TAKEN

Timely Filing Required. Except for notices of appeal filed by inmates of correctional institutions as provided in FRAP 4(c), notices of appeal must be timely filed in the office of the clerk of the district court.



IOP 5 | APPEAL BY PERMISSION

1. Appeals by Permission. When the petition is granted, counsel must pay to the district court clerk 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.
2. Pro Hac Vice Admission. When an application to appear pro hac vice is granted while a petition for permission to appeal is pending, the attorney's pro hac vice admission continues in effect for the appeal if the petition is granted. See 11th Cir. R. 46-4.



IOP 6 | APPEAL IN A BANKRUPTCY CASE

Direct Appeal. The Judicial Council of the Eleventh Circuit has not established a bankruptcy appellate panel. A direct appeal from a bankruptcy court to the court of appeals is available only as authorized by statute. See 28 U.S.C. §158(d).



IOP 8 | STAY OR INJUNCTION PENDING APPEAL

Service Required. Motions for stay or injunction pending appeal must be served on all parties appearing below.



IOP 9 | RELEASE IN A CRIMINAL CASE

Service Required. Motions for release or for modification of the conditions of release must be served on all parties appearing below.



IOP 10 | THE RECORD ON APPEAL

Ordering the Transcript. The transcript order form prescribed by the court of appeals may be obtained from the court's website at www.call.uscourts.gov. Financial arrangements for payment of the costs of the transcript which are satisfactory to the reporter must be made before the transcript order is complete and signed by appellant.



IOP 11 | FORWARDING THE RECORD

1. Duties of Court Reporters; Extensions of Time. The appellant is not required to seek extensions of time for filing the transcript if the reporter cannot prepare it within 30 days from receipt of the appellant's purchase order. The matter of filing the transcript is between the reporter, the clerk of the Eleventh Circuit, the clerk of the district court, and the district judge. Counsel will be informed when an extension of time is allowed on request made by the court reporter.

2. Preparation of Paper Record; Duties of District Court Clerk. When the record on appeal is in paper, at the time that the record is complete for purposes of appeal and before transmitting certification that the record is complete, the district court will assemble the record into one or more volumes, and identify by a separate document number each filing contained therein. Each volume of the record should generally contain less than 250 pages. The district court docket sheet, so numbered, will be provided to the parties upon request to facilitate citation to the original record by reference to the file copies maintained by the parties. Prior to transmitting the record to the clerk of the court of appeals, the district court docket sheet shall be marked to identify by number the volume into which documents have been placed, and the cover of each volume of the record shall indicate the volume number and the document numbers of the first and last document contained therein (e.g., Vol. 2, Documents 26 - 49). The district court docket sheet, so marked, will be included in the record transmitted to the clerk of the court of appeals. Transcripts will be sequentially arranged in separate numbered volumes, with volume numbers noted on the docket sheet index. In civil appeals, including bankruptcy and prisoner (civil and habeas) appeals, standard commercially-available indexing tabs or their equivalent which extend beyond the edge of the page shall be affixed to the first page of orders and of significant filings in the record to identify and assist in locating the papers. Tabs should be visible and staggered in sequence from top to bottom along the right-hand side. Tab numbers should correspond to the document numbers assigned by the district court.



**IOP 12 | DOCKETING THE APPEAL; FILING A REPRESENTATION STATEMENT;
FILING THE RECORD**

1. Docketing an Appeal. Appeals are immediately docketed upon receipt of the notice of appeal and district court docket entries. A general docket number is assigned and all counsel and pro se parties are so advised. Failure to pay the docket fee does not prevent the appeal from being docketed but is grounds for dismissal of the appeal by the clerk under the authority of 11th Cir. R. 42-1.

2. Appearance of Counsel Form. An Appearance of Counsel Form is the required form for the Representation Statement required to be filed by FRAP 12(b). See 11th Cir. R. 46-5.



APPENDIX



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