

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

**NOTICE OF ADOPTION
OF LOCAL RULE 36(b), AS AMENDED, AND LOCAL RULE 40(a)**

By notice dated October 5, 2004, the Court amended Local Rule 36(b) to eliminate the subscription service for unpublished opinions of the Court and amended Local Rule 40(a) to require that a copy of the Court's opinion be attached to any petition for rehearing filed with the Court and to delete the provision permitting pro se indigent parties to file only one copy of a petition for rehearing. Both rule amendments were made effective immediately, subject to modification in light of comments received, and updated Rule Book pages were circulated with the October 5, 2004, notice.

Upon consideration of the comments received on Local Rule 40(a), the Court makes no further amendments to that rule.

Upon consideration of the comments received on Local Rule 36(b), the Court now makes the additional amendments highlighted below:

Local Rule 36(b). Unpublished Dispositions; Distribution of Opinions.

Unpublished opinions give counsel, the parties, and the lower court or agency a statement of the reasons for the decision. They may not recite all of the facts or background of the case and may simply adopt the reasoning of the lower court. They are sent only to the trial court or agency in which the case originated, to counsel for all parties in the case, and to litigants in the case not represented by counsel.

Any individual or institution may receive copies of all published opinions of the Court by paying an annual subscription fee for this service. In addition, copies of such published opinions are sent to all circuit judges, district judges, bankruptcy judges, magistrate judges, clerks of district court, United States Attorneys, and Federal Public Defenders upon request. Copies of published and unpublished opinions are available from the Clerk's Office for \$2.00 per opinion. Published and unpublished opinions issued since January 1, 1996 are available free of charge at www.ca4.uscourts.gov.

Counsel may move for publication of an unpublished opinion, citing reasons. If such motion is granted, the unpublished opinion will be published without change in result.

Accordingly, Local Rule 36(b) is further amended effective this date to incorporate the changes highlighted above, and Local Rule 40(a) remains in effect as amended on October 5, 2004.

Updated pages of the Fourth Circuit Rule Book reflecting the additional changes to Local Rule 36(b) are attached to this notice.

January 7, 2005

Date

s/Patricia S. Connor

Clerk