

# FEDERAL RULES OF APPELLATE PROCEDURE

## LOCAL RULES and INTERNAL OPERATING PROCEDURES OF THE FOURTH CIRCUIT

### CONTENTS

<b>Rule 1.</b>	<b>Scope of Rules and Title</b>	<b>1-1</b>
<b>Rule 2.</b>	<b>Suspension of Rules</b>	<b>2-1</b>
<b>Rule 3.</b>	<b>Appeal as of Right - How Taken</b>	<b>3-1</b>
	Loc. R. 3(a). Filing and Docket Fees	
	Loc. R. 3(b). Docketing Statement	
	I.O.P.-3.1. Transmission of District Court Order	
<b>Rule 4.</b>	<b>Appeal as of Right - When Taken</b>	<b>4-1</b>
<b>Rule 5.</b>	<b>Appeal by Permission</b>	<b>5-1</b>
	Loc. R. 5. Interlocutory Orders	
<b>Rule 6.</b>	<b>Appeal in a Bankruptcy Case</b>	<b>6-1</b>
	Loc. R. 6(a). Bankruptcy Records	
	I.O.P.-6.1. Bankruptcy Appeals	
<b>Rule 7.</b>	<b>Bond for Costs on Appeal in a Civil Case</b>	<b>7-1</b>
<b>Rule 8.</b>	<b>Stay or Injunction Pending Appeal</b>	<b>8-1</b>
	Loc. R. 8. Stay or Injunction Pending Appeal	
<b>Rule 9.</b>	<b>Release in a Criminal Case</b>	<b>9-1</b>
	Loc. R. 9(a). Release Prior to Judgment of Conviction	
	Loc. R. 9(b). Release After Conviction and Notice of Appeal	
	Loc. R. 9(c). Recalcitrant Witnesses	
<b>Rule 10.</b>	<b>The Record on Appeal</b>	<b>10-1</b>
	Loc. R. 10(a). Retention of the Record on Appeal in the District Court	
	Loc. R. 10(b). Records on Appeal	
	Loc. R. 10(c). Transcripts	
	Loc. R. 10(d). Supplemental Records, Modification, or Correction	

<b>Rule 11.</b>	<b>Forwarding the Record</b>	<b>11-1</b>
	Loc. R. 11(a). Transcript Acknowledgments	
	Loc. R. 11(b). Time Limits for Filing Transcripts	
	Loc. R. 11(c). Exhibits	
	Loc. R. 11(d). Access of Counsel to Original Record	
	I.O.P.-11.1. Sanctions for Court Reporter's Failure to File a Timely Transcript	
<b>Rule 12.</b>	<b>Docketing the Appeal; Filing a Representation Statement; Filing the Record</b>	<b>12-1</b>
	Loc. R. 12(a). Appeals by Aggrieved Non-parties in the Lower Court	
	Loc. R. 12(b). Joint Appeals/Cross-appeals and Consolidations	
	Loc. R. 12(c). Expedition of Appeals	
	Loc. R. 12(d). Abeyance	
	Loc. R. 12(e). Intervention	
<b>Rule 12.1.</b>	<b>Remand After an Indicative Ruling by the District Court on a Motion for Relief That Is Barred by a Pending Appeal</b>	<b>12-3</b>
<b>Rule 13.</b>	<b>Appeals from the Tax Court</b>	<b>13-1</b>
<b>Rule 14.</b>	<b>Applicability of Other Rules to Appeals from the Tax Court</b>	<b>14-1</b>
<b>Rule 15.</b>	<b>Review or Enforcement of an Agency Order - How Obtained; Intervention</b>	<b>15-1</b>
	Loc. R. 15(a). Docketing Fee	
	Loc. R. 15(b). Petitions for Review	
<b>Rule 15.1.</b>	<b>Briefs and Oral Argument in a National Labor Relations Board Proceeding</b>	<b>15-3</b>
<b>Rule 16.</b>	<b>The Record on Review or Enforcement</b>	<b>16-1</b>
<b>Rule 17.</b>	<b>Filing the Record</b>	<b>17-1</b>
<b>Rule 18.</b>	<b>Stay Pending Review</b>	<b>18-1</b>
	Loc. R. 18. Procedures	
<b>Rule 19.</b>	<b>Settlement of a Judgment Enforcing an Agency Order in Part</b>	<b>19-1</b>
<b>Rule 20.</b>	<b>Applicability of Rules to the Review or Enforcement of an Agency Order</b>	<b>20-1</b>

<b>Rule 21.</b>	<b>Writs of Mandamus and Prohibition, and Other Extraordinary Writs</b>	<b>21-1</b>
	Loc. R. 21(a). Case Captions for Extraordinary Writs	
	Loc. R. 21(b). Petitions for Mandamus or Prohibition	
	Loc. R. 21(c). Fees and Costs for Prisoner Petitions for Mandamus, Prohibition, or other Extraordinary Relief	
	Loc. R. 21(d). Petitions for Writ of Mandamus Pursuant to 18 U.S.C. § 3771, Crime Victims' Rights	
<b>Rule 22.</b>	<b>Habeas Corpus and Section 2255 Proceedings</b>	<b>22-1</b>
	Loc. R. 22(a). Certificates of Appealability	
	Loc. R. 22(b). Death Penalty Cases and Motions for Stay of Execution	
	Loc. R. 22(c). Petitions for Rehearing in Death Penalty Cases	
	Loc. R. 22(d). Motions for Authorization	
	I.O.P.-22.1. Death Penalty Cases	
<b>Rule 23.</b>	<b>Custody or Release of a Prisoner in a Habeas Corpus Proceeding</b>	<b>23-1</b>
<b>Rule 24.</b>	<b>Proceeding in Forma Pauperis</b>	<b>24-1</b>
	Loc. R. 24. Prisoner Appeals	
<b>Rule 25.</b>	<b>Filing and Service</b>	<b>25-1</b>
	Loc. R. 25(a). Electronic Case Filing System	
	Loc. R. 25(b). Use of Email or Facsimile: Service	
	Loc. R. 25(c). Confidential and Sealed Materials	
<b>Rule 26.</b>	<b>Computing and Extending Time</b>	<b>26-1</b>
	Loc. R. 26. State Holidays and Inclement Weather	
<b>Rule 26.1.</b>	<b>Disclosure Statement</b>	<b>26-3</b>
	Loc. R. 26.1. Disclosure Statement	
<b>Rule 27.</b>	<b>Motions</b>	<b>27-1</b>
	Loc. R. 27(a). Content of Motions; Notification and Consent	
	Loc. R. 27(b). Procedural Orders Acted on by Clerk; Reconsideration Thereof	
	Loc. R. 27(c). Form of Motions	
	Loc. R. 27(d). Responses; Replies	
	Loc. R. 27(e). Panel Assignments and Emergency Motions	
	Loc. R. 27(f). Motions for Summary Disposition	

<b>Rule 28.</b>	<b>Briefs</b>	<b>28-1</b>
	Loc. R. 28(a). Consolidated Cases and Briefs	
	Loc. R. 28(b). Addenda and Attachments to Briefs	
	Loc. R. 28(c). Responsibilities of Counsel Listed on a Brief	
	Loc. R. 28(d). Joint Appeals and Consolidations	
	Loc. R. 28(e). Citation of Additional Authorities	
	Loc. R. 28(f). Statement of Case	
	Loc. R. 28(g). Citations to the Appendix	
<b>Rule 28.1</b>	<b>Cross-Appeals</b>	<b>28-5</b>
<b>Rule 29.</b>	<b>Brief of an Amicus Curiae</b>	<b>29-1</b>
	Loc. R. 29(a). Leave to File Amicus Briefs	
	Loc. R. 29(b). Copies of Amicus Briefs	
<b>Rule 30.</b>	<b>Appendix to the Briefs</b>	<b>30-1</b>
	Loc. R. 30(a). Attorney Sanctions for Unnecessary Appendix Designations	
	Loc. R. 30(b). Appendix Contents; Pagination; Number of Copies	
	Loc. R. 30(c). Responsibility of Parties	
	Loc. R. 30(d). Dispensing with Appendix	
<b>Rule 31.</b>	<b>Serving and Filing Briefs</b>	<b>31-1</b>
	Loc. R. 31(a). Shortened Time for Service and Filing of Briefs in Criminal Cases	
	Loc. R. 31(b). Briefing Orders	
	Loc. R. 31(c). Briefing Extensions	
	Loc. R. 31(d). Number of Copies	
<b>Rule 32.</b>	<b>Form of Briefs, Appendices, and Other Papers</b>	<b>32-1</b>
	Loc. R. 32(a). Reproduction of Appendices	
	Loc. R. 32(b). Length of Briefs	
	Loc. R. 32(c). Correction of Briefs and Appendices	
<b>Rule 32.1</b>	<b>Citing Judicial Dispositions</b>	<b>32-5</b>
	Loc. R. 32.1 Citing of Unpublished Opinions	
<b>Rule 33.</b>	<b>Appeal Conferences</b>	<b>33-1</b>
	Loc. R. 33. Circuit Mediation Conferences	
<b>Rule 34.</b>	<b>Oral Argument</b>	<b>34-1</b>
	Loc. R. 34(a). Oral Argument; Pre-argument Review and Summary Disposition of Appeals; Statement Regarding the Need for Oral Argument	
	Loc. R. 34(b). Informal Briefs	
	Loc. R. 34(c). Court Sessions and Notification to Counsel	

	Loc. R. 34(d). Argument Time	
	Loc. R. 34(e). Motion to Submit on Briefs	
	I.O.P.-34.1. Calendar Assignments and Panel Composition	
	I.O.P.-34.2. Disposition Without Oral Argument	
	I.O.P.-34.3 Audio Files of Oral Argument	
<b>Rule 35.</b>	<b>(Transferred to Rule 40)</b>	<b>35-1</b>
<b>Rule 36.</b>	<b>Entry of Judgment; Notice</b>	<b>36-1</b>
	Loc. R. 36(a). Publication of Decisions	
	Loc. R. 36(b). Unpublished Dispositions; Opinion Distribution	
	I.O.P.-36.1. Opinion Preparation Assignments	
	I.O.P.-36.2. Circulation of Opinions in Argued Cases	
	I.O.P.-36.3. Summary Opinions	
	I.O.P.-36.4. Internet Citations in Opinions	
<b>Rule 37.</b>	<b>Interest on Judgment</b>	<b>37-1</b>
<b>Rule 38.</b>	<b>Frivolous Appeal - Damages and Costs</b>	<b>38-1</b>
<b>Rule 39.</b>	<b>Costs</b>	<b>39-1</b>
	Loc. R. 39(a). Reproduction Costs	
	Loc. R. 39(b). Bill of Costs	
	Loc. R. 39(c). Recovery of Costs in the District Court	
<b>Rule 40.</b>	<b>Panel Rehearing; En Banc Determination</b>	<b>40-1</b>
	Loc. R. 40(a). Filing of Petition	
	Loc. R. 40(b). Statement of Purpose	
	Loc. R. 40(c). Time Limits for Filing Petitions	
	Loc. R. 40(d). Decision to Hear or Rehear a Case En Banc	
	Loc. R. 40(e). Decision of Cases Heard or Reheard En Banc	
	Loc. R. 40(f). Additional Briefing for En Banc Hearing or Rehearing	
	Loc. R. 40(g). Reproduction Costs for Briefs and Appendices Required for En Banc Review.	
	Loc. R. 40(h). Papers Filed After Denial of a Petition for Rehearing	
	I.O.P.-40.1. Submission of Petitions for Rehearing to the Court	
	I.O.P.-40.2. Panel Rehearing	
<b>Rule 41.</b>	<b>Mandate: Contents; Issuance and Effective Date; Stay</b>	<b>41-1</b>
	Loc. R. 41. Motion for Stay of the Mandate	
	I.O.P.-41.1. Issuance of the Mandate	
	I.O.P.-41.2. Petitions for Writs of Certiorari	
<b>Rule 42.</b>	<b>Voluntary Dismissal</b>	<b>42-1</b>
	Loc. R. 42. Voluntary Dismissals	

<b>Rule 43.</b>	<b>Substitution of Parties</b>	<b>43-1</b>
<b>Rule 44.</b>	<b>Case Involving a Constitutional Question When the United States or the Relevant State is Not a Party</b>	<b>44-1</b>
<b>Rule 45.</b>	<b>Clerk’s Duties</b>	<b>45-1</b>
	Loc. R. 45. Dismissals for Failure to Prosecute	
	I.O.P.-45.1. Clerk's Office	
	I.O.P.-45.2. Public Information	
<b>Rule 46.</b>	<b>Attorneys</b>	<b>46-1</b>
	Loc. R. 46(a). Legal Assistance to Indigents by Law Students	
	Loc. R. 46(b). Admission to Practice	
	Loc. R. 46(c). Appearance of Counsel; Withdrawal; Substitutions	
	Loc. R. 46(d). Appointment of Counsel	
	Loc. R. 46(e). Attorney's Fees and Expenses	
	Loc. R. 46(f). Proceeding Pro Se	
	Loc. R. 46(g). Rules of Disciplinary Enforcement	
<b>Rule 47.</b>	<b>Local Rules by Courts of Appeals</b>	<b>47-1</b>
	Loc. R. 47(a). Procedures for Adoption of Local Rules and Internal Operating Procedures	
	Loc. R. 47(b). Advisory Committee on Rules and Procedures	
	I.O.P.-47.1. Judicial Conference	
	I.O.P.-47.2. Membership in the Judicial Conference of the Circuit	
<b>Rule 48.</b>	<b>Masters</b>	<b>48-1</b>
<b>Appendix</b>	<b>Length Limits Stated in the Federal Rules of Appellate Procedure</b>	