

DOCKETING STATEMENT

INSTRUCTIONS

1. Counsel for appellant must file two copies of a docketing statement with all attachments within fourteen days of filing the notice of appeal for every case appealed or cross-appealed to the court of appeals. The docketing statement must be received by the court of appeals clerk's office within the fourteen days allowed to be deemed timely filed. Copies must be served on the opposing party or parties.
2. The attorney filing the notice of appeal is responsible for filing the docketing statement, even if different counsel will handle the appeal. In the case of multiple appellants represented by separate counsel, the parties must confer and decide who will file the docketing statement. Appellants proceeding pro se may file a docketing statement, but are not required to do so.
3. The docketing statement is not a brief but will be used by the circuit mediator for pre-briefing review of civil cases in which all parties are represented by counsel, and in mediation conducted in such cases under Fourth Circuit Local Rule 33. The nature of proceedings and relief sought should be stated succinctly. The issues should be framed with reference to the specific facts and circumstances of the case. Conclusory statements such as "the judgment of the trial court is not supported by the law or facts" are unacceptable. Although a party will not be precluded from raising additional issues in the brief, counsel should make every effort to include in the docketing statement all of the issues that will be presented to the Court. The docketing statement should not contain motions or other requests for interim relief. If counsel in a civil case believes a mediation conference would be beneficial, counsel may make a confidential request for mediation by contacting the Office of the Circuit Mediator directly at (843) 521-4022.
4. Counsel's failure to file the docketing statement within the time set forth will cause the Court to initiate the process for dismissal of the appeal under Fourth Circuit Local Rule 45.
5. If an opposing party concludes that the docketing statement is in any way inaccurate, incomplete, or misleading, that party should file two copies of any additions or corrections to the docketing statement with the clerk's office within seven days of service of the docketing statement, with copies to all other parties.
6. You must attach to this docketing statement:
 - ! ADDITIONAL PAGES CONTAINING EXTENDED ANSWERS TO QUESTIONS ON THIS FORM.
 - ! THE NOTICE OF APPEAL.
 - ! THE DISTRICT COURT DOCKET SHEET.

- ! A COPY OF THE ORDER OR JUDGMENT FROM WHICH THE APPEAL IS TAKEN.
- ! ANY OPINION OR FINDINGS.
- ! ANY OPINION, FINDINGS, OR RECOMMENDATION OF A UNITED STATES MAGISTRATE JUDGE, AN ADMINISTRATIVE LAW JUDGE, A SOCIAL SECURITY APPEALS COUNCIL, OR A BANKRUPTCY COURT.
- ! A COPY OF THE TRANSCRIPT ORDER (WITH ATTACHMENTS), IF ANY.
- ! A CERTIFICATE OF SERVICE FOR THIS DOCKETING STATEMENT.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

United States Courthouse
1100 East Main Street, 5th Floor
Richmond, Virginia 23219-3517
(804) 916-2700

DOCKETING STATEMENT

Caption of Case **4CCA Docket No.(IF KNOWN)**_____

v.

Type of Action

- ___ Civil
- ___ Criminal/Prisoner
- ___ Cross Appeal

District_____ Judge_____ District Court Docket Number_____

Statute or other authority establishing jurisdiction in the:

District Court_____

Court of Appeals_____

A. Timeliness of Appeal

1. Date of entry of judgment or order appealed from_____
2. Date this notice of appeal filed_____
- If cross appeal, date first notice of appeal filed_____
3. Filing date of any post-judgment motion filed by any party which tolls time under FRAP 4(a)(4) or 4(b)_____
4. Date of entry of order deciding above post-judgment motion_____
5. Filing date of any motion to extend time under FRAP 4(a)(5), 4(a)(6) or 4(b)_____

Time extended to_____

B. Finality of Order or Judgment

1. Is the order or judgment appealed from a final decision on the merits?
 Yes No

2. If no,
a.) Did the district court order entry of judgment as to fewer than all claims or all parties pursuant to FRCP 54(b)? Yes No
b.) Is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule? Yes No
If yes, explain _____
(Criminal only)
3. Has the defendant been convicted? Yes No
4. Has a sentence been imposed? Yes No Term _____
5. Is the defendant incarcerated? Yes No

C. Has this case previously been appealed? Yes No
If yes, give the case name, docket number and disposition of each prior appeal on a separate page.

D. Based on your present knowledge:
Will this appeal involve a question of first impression?
 Yes No
If yes, please explain briefly on a separate page.

E. Are any related cases or cases raising related issues pending in this Court, any district court of this circuit, or the Supreme Court? Yes No
If yes, cite the case and the manner in which it is related on a separate page. If abeyance, consolidation, or in seriatim argument is warranted, counsel must file a separate motion seeking such relief.
If a related case is pending in this Court, has it been accepted for mediation by the Office of the Circuit Mediator? Yes No

F. State the nature of the suit, the relief sought, and the outcome below. Attach additional page if necessary.

G. Issues to be raised on appeal. Attach additional page if necessary.

H. Is settlement being discussed? Yes No

I. Is disposition on motions, memoranda, or abbreviated briefing schedule appropriate?
 Yes No
If yes, you must file an appropriate motion. Is oral argument necessary?
 Yes No

J. Were there any in-court proceedings below? Yes No
Is a transcript necessary for this appeal? Yes No
If yes, is transcript already on file with district court?
 Yes No
If transcript is not already on file, attach copy of transcript order.

K. List each adverse party to the appeal. If no attorney, give address and telephone number of the adverse party. Attach additional page if necessary.

1. Adverse party _____
Attorney _____
Address _____

Telephone _____

2. Adverse party _____
Attorney _____
Address _____

Telephone _____

L. If this case arises out of a bankruptcy proceeding, attach a copy of the caption of the case in the bankruptcy court showing the parties' status as debtor, creditor, trustee, plaintiff, defendant, etc.

M. List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel. Attach additional page if necessary.

Appellant(s) name _____

Address _____

Telephone _____

Attorney's name _____

Firm _____

Address _____

Telephone _____

Will you be handling the appeal? (In criminal cases counsel below will handle the appeal unless relieved by this court.)

Yes No

FRAP 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the court of appeals a statement naming each party represented on appeal by that attorney. Any counsel, other than the attorney filing this form, who filed a notice of appeal must provide the requisite statement to be attached to this form.

Signature _____

Date _____

ATTACH:

1. ADDITIONAL PAGES CONTAINING EXTENDED ANSWERS TO QUESTIONS ON THIS FORM.
2. THE NOTICE OF APPEAL.
3. THE DISTRICT COURT DOCKET SHEET.
4. A COPY OF THE ORDER OR JUDGMENT FROM WHICH THE APPEAL IS TAKEN.
5. ANY OPINION OR FINDINGS.
6. ANY OPINION, FINDINGS, OR RECOMMENDATION OF A UNITED STATES MAGISTRATE JUDGE, AN ADMINISTRATIVE LAW JUDGE, A SOCIAL SECURITY APPEALS COUNCIL, OR A BANKRUPTCY COURT.
7. A COPY OF THE TRANSCRIPT ORDER (WITH ATTACHMENTS, IF ANY).
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