

DOCKETING STATEMENT - AGENCY

INSTRUCTIONS

1. Counsel for the petitioner or applicant must file two copies of a docketing statement for any petition for review, cross petition, application for enforcement, or cross application within fourteen days of docketing of the petition or application. The docketing statement must be received by the clerk's office within the fourteen days allowed to be deemed timely filed. Copies must be served on the opposing party or parties. Petitioners proceeding pro se may file a docketing statement but are not required to do so.
2. Only one docketing statement shall be filed for each petition or application. If there are multiple petitioners or applicants, the parties should confer and decide who will file the docketing statement. A list of all names and addresses of parties, their attorneys and attorneys' names and addresses, and a certification that all parties have conferred and concurred in the filing must be attached to the docketing statement.
3. The docketing statement is not a brief and should not contain argument or motions. The nature of proceedings and relief sought should be stated succinctly. The issues should be expressed in terms and circumstances of the case but without unnecessary detail. Conclusory statements such as "the findings of the administrative law judge are not supported by the law or facts" are unacceptable. Although a party will not be precluded from raising additional issues, 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 will be used in any mediation conducted under Fourth Circuit Local Rule 33. If counsel in a case in which all parties are represented by counsel 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 above will cause the Court to initiate the process for dismissal 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 (7) days of service of the docketing statement, with copies to all other parties.

DOCKETING STATEMENT-AGENCY

Caption of Case 4CCA Docket No. (If Known) _____

Type of Action

- ___ Application for Enforcement
- ___ Petition for Review
- ___ Cross Petition

Name of Agency _____

Administrative Law Judge _____

Agency Number _____

Statute or other authority establishing jurisdiction in the Court of Appeals _____

A. Timeliness

- 1. Date of entry of order _____
- 2. Time allowed for review or enforcement _____
Authority _____

B. Finality

- 1. Tribunal or board issuing order or regulation _____
- 2. Is the order or judgment appealed from a final decision on the merits? yes [] no []
- 3. If no, is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule? yes [] no []
If yes, explain

C. If INS case, is petitioner subject to deportation while this petition is pending?

yes [] no []

If yes, do you intend to file a motion to stay deportation?

yes [] no []

D. Has this case been before the Court previously?

yes [] no []

If yes, give case name, docket number, and disposition of each prior appeal on a separate sheet.

E. Is there any case now pending or about to be brought before this Court, any other court or administrative agency, or the Supreme Court which either arises from the same case or controversy or involves substantially related issues?

yes [] no []

If yes, cite the case and manner in which it is related on a separate sheet. If abeyance, consolidation, or in seriatim argument is warranted, counsel must file a separate motion seeking such relief.

If 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 proceeding, the relief sought, and the outcome below. Attach additional page if necessary.

G. Issues to be raised on petition or application. Attach additional page if necessary.

H. Is settlement being discussed? yes [] no []

I. Is expedited disposition of this case necessary? yes [] no []

If yes, you must file an appropriate motion.

Is oral argument necessary? yes [] no []

J. List each adverse party to this action. Attach additional sheets if necessary. If no attorney, give address and telephone number of the adverse party.

Adverse party _____

Attorney _____

Address _____

Telephone _____

K. Petitioner's or Applicant's Name _____

Address _____

Telephone _____

L. Attorney or pro se litigant filing this docketing statement. Will you be handling the appeal?
yes [] no []

Name _____

Attorney [] Pro Se []

Firm _____

Address _____

Telephone _____

If this is a joint statement by multiple petitioners or applicants, add the names and addresses of other petitioners or applicants and their counsel on an additional sheet, accompanied by a certification that all petitioners or applicants concur in this filing.

Signature _____

Date _____

EACH COPY OF THE DOCKETING STATEMENT SERVED OR FILED SHALL HAVE ATTACHED TO IT COPIES OF:

- (1) THE APPLICATION FOR ENFORCEMENT, OR PETITION FOR REVIEW;
- (2) THE DOCKET SHEET OF THE AGENCY FROM WHICH THE APPEAL IS TAKEN;
- (3) THE JUDGMENT OR ORDER SOUGHT TO BE REVIEWED AND ANY OPINION OR FINDING;
- (4) ANY OPINION, FINDINGS, OR RECOMMENDATION OF AN ADMINISTRATIVE LAW JUDGE UNDERLYING THE ORDER AT ISSUE;
- (5) ANY TRANSCRIPT ORDER (WITH ATTACHMENTS, IF ANY); AND
- (6) A CERTIFICATE OF SERVICE FOR THIS DOCKETING STATEMENT.