

## APPENDIX II

### FORM OF NOTICE FOR MOTION FOR DISMISSAL UNDER CIRCUIT RULE 51(d)

To: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street Address or Prison Box)

\_\_\_\_\_  
(City, State, Zip Code)

You are the appellant in a case now pending in this court:

Case No. \_\_\_\_\_

\_\_\_\_\_  
v.  
\_\_\_\_\_

A motion was filed by the opposing party on , 20\_\_, which asks the court to dismiss your appeal. You have 30 days in which to answer the motion. Please be advised as follows:

- 1) You have a right to answer. You can either agree to the requested dismissal or object to the motion.
- 2) If you object, you should explain your objections carefully and show why you contend the court should hear your case.
- 3) If you agree that your case should be dismissed, you should write the court immediately that you agree.
- 4) If you do not respond within 30 days after this notice was mailed, the court may affirm or dismiss your appeal. An affirmance or dismissal would mean that your case would be finally decided against you.
- 5) If you want to file objections and feel that there is a very good reason why you will not be able to file your objections with the court within the 30-day limit, you should

immediately write to the court and ask for additional time up to 30 days. If additional time is granted, you must file your objections before your additional time expires.

6) If you are appealing from a conviction and upon receiving notice of motion for dismissal of your appeal you desire an attorney, you should immediately

(a) employ an attorney if you can afford one; or

(b) request this court to appoint an attorney for you if you cannot afford one.

The court will appoint an attorney if it concludes that your appeal is not frivolous.

If you want to write to this court, you should address your letter to:

Clerk of the Court  
United States Court of  
Appeals  
219 South Dearborn Street  
Chicago, Illinois 60604

Be sure, when writing, to show clearly the name and number of your case.

Notice mailed , 20\_\_

\_\_\_\_\_  
Deputy Clerk, U.S. Court of Appeals

Attorney for appellant

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Area Code and Telephone Number)