

OFFICE OF THE CLERK  
U.S. Court of Appeals for the Ninth Circuit  
P.O. Box 193939  
San Francisco, CA 94119-3939

APPELLATE PROCESSING SCHEDULE  
FOR **ADMINISTRATIVE AGENCY** PROCEEDINGS

SUMMARY OF MAJOR EVENTS IN PROCESSING ADMINISTRATIVE  
AGENCY CASES IN THE U.S. COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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No.	EVENT	BY	WHEN	COMMENTS
1	Filing of the Petition for Review, Application for Enforcement or a Notice of Appeal in Tax Court FRAP and Circuit Rule 15	Petitioner	Within the time prescribed by law after the agency decision is handed down.	This event starts the appellate process. An original and seven copies of the petition are required to allow service upon agency counsel. If NLRB applies for enforcement, an original and three copies are required as the NLRB serves respondent counsel.
2	Filing of Civil Appeals Docketing Statement*	Petitioner	At the same time petition, application or appeal is filed.	The petitioner must file this form, which is to be used by the court to determine if the case should be included in the Conference Program.
3	Satisfaction of U.S. Court of Appeals docket fee requirement	Petitioner	With the filing of the Petition or the filing of a Notice of Appeal in Tax cases. Appeal may be dismissed if docket fee is not satisfied.	In Tax Court appeals, the \$100 docket fee is paid to the Clerk of the Tax Court. In all other cases, the \$100 docket fee is paid to the Clerk, U.S. Court of Appeals, unless: 1) an order of this court is filed granting leave to proceed in forma pauperis; or 2) the petitioner is the U.S. government.
4	Docketing of case and transmission of docketing letter with case number	Court of Appeals Clerk	Immediately upon receipt of of Petition, Application or Notice of Appeal in tax cases.	Parties should carefully review the docketing letter.
5	Setting of briefing schedule	Court of Appeals Clerk	Upon docketing of the petition or appeal.	The parties will be advised by the U.S. Court of Appeals of the due dates for filing briefs. Order setting briefing may be amended if case is taken into prebriefing conference program.
6	Submission of Certificate of Record (The record on appeal in Tax Court and Immigration and Naturalization Service cases)	Agency or Clerk of Tax Court	Within 40 days after service upon it of the Petition for Review or notification of the filing of an Application for Enforcement or filing of a Notice of Appeal in the Tax Court.	The certificate attests that the complete record is available for the purpose of the appeal. The actual record remains in the custody of the agency for use of the parties in preparing their briefs except parties must make arrangements for access to the record in Tax Court and Immigration and Naturalization cases.

7	Submission of petitioner's opening brief and excerpt of record or copies of administrative proceedings as set by Circuit Rule 28 and FRAP and Circuit Rules 31 and 32	Petitioner	As set by Clerk in time schedule order or by subsequent conference attorney or clerk order.	The brief and excerpt/administrative copies are filed with the Court of Appeals and served on the respondent by the petitioner.
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\* This requirement does not pertain to (1) appeals from actions filed under 28 U.S.C.A. 1292(b); (2) mandamus petitions; (3) petitions for review of Board of Immigration Appeals decisions; and (4) petitions for review and applications for enforcement of N.L.R.B. decisions. See Ninth Circuit Rule 33-1.

No.	EVENT	BY	WHEN	COMMENTS
8	Submission of respondent's brief	Respondent	Within the time provided by the time schedule order.	The brief is filed with the Court of Appeals and served on the petitioner.
9	Submission of petitioner's reply brief	Petitioner	Within 14 days after the service of respondent's brief or as set by order.	This brief is optional.
10	Calendaring	Court of Appeals	As calendar space is available.	The preliminary calendar is generated from a computer bank of available cases. Cases on the calendar are checked for readiness.
11	Record on appeal in non-tax court and non-Immigration and Naturalization Service cases.	Agency	Within 14 days of the filing of the respondent's brief.	One copy of the record is received for use by the court. The respondent, simultaneously with the filing of the respondent's brief, must serve notification upon the agency that briefing is complete.
12	Issuance of Hearing Notice	Court of Appeals Clerk	Approximately 5 weeks prior to hearing date	Prompt acknowledgment is required. Parties will be advised when the court does not require oral argument.
13	Hearing	Court of Appeals	As indicated on the hearing notice.	Counsel must be present in the courtroom no later than 30 minutes prior to the calling of the calendar.
14	Submission	Judges of the Court	As ordered by the panel of judges.	Generally, submission is simultaneous with the close of hearing. Submission may be deferred pending receipt of information requested by the Court.
15	Decision	Judges of the Court	Anywhere from several weeks to several months after submission.	Date of entry of judgment is the same as the file date of decision for the purposes of filing a petition for rehearing.
16	Filing of Petition for Rehearing	"Losing" Party	Within 45 days after decision is filed.	This petition is optional.
17	Issuance of Mandate	Court of Appeals Clerk	7 days after expiration of the time for filing a petition for rehearing or denial of the petition.	In NLRB proceedings, if judgment is granted in part and denied in part, the Board will submit a proposed judgment. The opposing party will have seven days to file objections to the proposed judgment.
18	Petition for Writ of Certiorari to U.S. Supreme Court	"Losing" Party	See Supreme Court Rules	