

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 **CRIMINAL** CASES

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

No.	EVENT	WHO	WHEN*	COMMENTS
1	Filing of the Notice of Appeal FRAP 4(b)	Appellant	Within 10 days from the entry of the U.S. District Court judgment/order from which the appeal is taken (30 days if U.S. Government is appellant.)	This event starts the appeal. Notice of Appeal is filed in the U.S. District Court.
2	Satisfaction of Court of Appeals Docket Fee Requirement FRAP 3(e) Circuit Rule 42-1	Appellant	With the filing of the Notice of Appeal. (Notice of Appeal can be accepted by U.S. District Court without payment of U.S. Court of Appeals docket fee. However, appeal may be dismissed if the docket fee is not satisfied upon the submission of the Notice of Appeal.)	\$100 docket and \$5 appeal filing fees are paid to the Clerk of the U.S. District Court. Fee must be paid unless (1) an order granting IFP is filed; or (2) the appellant is the U.S. Government.
3	Transmission of copy of Notice of Appeal and District Court Docket Sheet to Court of Appeals FRAP 3(d)	Trial Court Clerk	Within 24 hours after filing of the Notice of Appeal.	If docket fee is not paid with the filing of the Notice of Appeal, the transmission of the Notice of Appeal must be made nevertheless.
4	Docketing of case and transmission of docketing letter to counsel/pro per litigants	Court of Appeals Clerk	Immediately upon receipt of Notice of Appeal from trial court clerk.	Parties should review docketing letter and furnish court reporter with Court of Appeals docket number when ordering transcript.
5	Selection of Portions of Reporter's Transcript FRAP 10(b) Circuit Rule 10-3.2	Appellant	Within 7 days from the filing of the Notice of Appeal.	The appellant advises the appellee of the trial transcript which he/she proposes to order for the appeal
6	Selection of Portions of Reporter's Transcript Necessary for Appeal. FRAP 10(b) Circuit Rule 10-3.2	Appellee	Within 7 days after the date of the notice of the appellant's notice.	The appellee advises appellant of additional portions of reporter's transcript, if any, required for the appeal.

* Times subject to change by court order.

No.	EVENT	WHO	WHEN*	COMMENTS
7	Designation of Reporter's Transcript and Ordering Reporter's Transcript FRAP 10(b) Circuit Rule 10-3.2	Appellant	Within 7 days from the date of service of the appellee's notice or 21 days after filing the notice of appeal if appellee does not timely serve. Late or supplemental designations should be accepted by the district court, the circuit court should be informed of the lateness. The party requesting that the record be supplemented must file a motion with the circuit court requesting that the record be supplemented.	The appellant must file with the clerk of the trial court a formal designation of the reporter's transcript required by both the appellant and appellee. The appellant must simultaneously order and make arrangements for payment of the transcript with the court reporter. If no transcript will be ordered, appellant must formally notify appellee and the clerk of the trial court.
8	Notification of ordering of transcript Circuit Rule 10-3.2(c)	Appellant	Within 7 days from the date of service of appellee's notice of additional transcripts necessary or 21 days from filing of notice of appeal if notice not timely served.	The appellant must notify the Court of Appeals that transcripts have been ordered or, that no transcript will be ordered at the same time the designation is filed in the district court.
9	Notification of Ordering of Transcript FRAP 11(b) Circuit Rule 11-1.1	Court Reporter	Within 24 hours of receipt of order for transcript.	Within 24 hours of receipt of an order for transcript, the court reporter must formally advise the court reporter coordinator that a transcript has been ordered.
10	Preparation of Time Schedule Order	Trial Court Clerk	At the time of transmission of the notice of appeal. No time schedule order should be prepared in appeals from conditions of bail pending trial. FRAP 9(a).	The trial court clerk sets the schedule based on guidelines provided by the Court of Appeals. Only the Court of Appeals has the discretion to change the time schedule.
11	Completion and Filing of Court Reporter's Trial transcript with the Clerk of the Trial Court FRAP 11(b) Circuit Rule 11-1	Court Reporter	Per Time Schedule Order unless modified by the Court of Appeals.	If the transcript cannot be completed by the date set in the time schedule order, the court reporter must file a motion for extension of time to complete the transcript with the Court of Appeals. COURT OF APPEALS FORM PREFERRED.
12	Submission of Certificate of Record Circuit Rule 11-2	Trial Court Clerk	Upon the filing of all portions of the reporter's transcript ordered for the appeal, or upon receipt of certificate from counsel that a trial transcript will not be ordered.	The certificate attests that the complete record is available for the purposes of the appeal. The actual record remains in the custody of the trial court clerk for use by the parties in preparing their briefs. In most cases the trial court clerk will submit the certificate of record on the same day that the reporter delivers the transcript to the clerk's office. The Certificate of Record is submitted to the Clerk of the Court of Appeals.
13	Submission of Appellant's Opening Brief and Excerpts of Record FRAP and Circuit Rules 31 and 32	Appellant	As per Time Schedule Order.	The brief and excerpts are filed with the Court of Appeals and served on appellee by appellant.

No.	EVENT	WHO	WHEN*	COMMENTS
14	Submission of Appellee's brief FRAP and Circuit Rules 31 and 32	Appellee	As per Time Schedule Order.	The brief is filed with the Court of Appeals and served on the appellant. Appellee may file supplemental excerpts of record.
15	Transmission of Record on Appeal Circuit Rule 11-5	Trial Court Clerk	Within 7 days after filing appellee's brief.	Both Reporter's Transcript and Clerk's Record are transmitted pursuant to Circuit Rule 11-5.
16	Submission of Appellant's Reply Brief FRAP 31(a)	Appellant	As per Time Schedule Order.	This brief is optional. Appellant may file supplemental excerpts of record.
17	Calendaring	Court of Appeals Clerk	As calendar space becomes available. Up to three months after briefing.	The preliminary calendar is generated from a computer bank of available cases. Cases on the calendar are checked for readiness.
18	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. Names of panel judges hearing case are posted in the district court clerk's office about one week prior to the hearing.
19	Hearing Circuit Rule 34	Court of Appeals	As indicated on Hearing Notice.	Counsel must be in the Courtroom no later than 30 minutes prior to the calling of the calendar.
20	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 additional information requested by the Court.
21	Decision	Judges of the Court	Any time from several weeks to several months after submission.	Date of entry of judgment is the same as the file date of decision for the purpose of filing a petition for rehearing.
22	Filing of Petition for Rehearing (optional) FRAP 40	"Losing" party	Within 14 days after decision is filed.	
23	Issuance of Mandate FRAP and Circuit Rule 41	Court of Appeals Clerk	7 days after expiration of time to file a petition for rehearing or denial of the petition.	
24	Petition for Writ of Certiorari to the U.S. Supreme Court	"Losing Party"	See Supreme Court Rules.	