

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 **NON-CRIMINAL** CASES

(except direct petitions from
U.S. Administrative Agency Proceedings)

SUMMARY OF MAJOR EVENTS IN PROCESSING NON-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	Appellant	Within 30 days from the entry of the U.S. District Court or Bankruptcy Appellate Panel judgment/order from which appeal is taken (60 days if U.S. Government is a party.)	This event starts the appeal. Notice of Appeal is filed in the U.S. District Court or Bankruptcy Appellate Panel.
2	Filing of Civil Appeals Docketing Statement	Appellant	With the filing of the Notice of Appeal.	The appellant must file this form which is used by the court to determine whether the case is to be included in the Conference Program.
3	Satisfaction of Court of Appeals Docket fee. FRAP 3(e) Circuit Rule 42-1	Appellant	With the filing of the Notice of Appeal. (Notice of Appeal can be accepted by the trial court without payment of U.S. Court of Appeals docket fee. However, appeal may be dismissed if docket fee requirements are not satisfied.)	\$100 docket and \$5 appeal filing fees are paid to the Clerk of the U.S. District Court if the case arises in the district court or the Bankruptcy Appellate Panel in an appeal from the Panel. Fee must be paid unless: (1) an order granting IFP is filed; (2) the appellant is the U.S. Government.
4	Transmission of copy of Notice of Appeal and trial 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 must be made nevertheless. If the appeal is untimely and no motion to file late is tendered, it should be lodged or filed and counsel notified accordingly. The appeal can be forwarded with a simple statement that it was untimely tendered.
5	Docketing of case and transmission of docketing letter with case number 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 Appeal docket number when ordering transcript.

6	Order scheduling record and brief due dates	Court of Appeals Clerk	Immediately upon receipt of Notice of Appeal. Times may be tolled pending FRAP 4(a)(4) ruling in district court.	The parties are notified of due dates for perfecting the appeal. Parties must request and be granted an extension of time in order to change the dates for filing designations of the reporter's transcripts or the briefs. If the case is placed in the prebriefing conference program, the conference attorney may amend the briefing schedule.
7	Selection of portions of reporter's transcript necessary for appeal. FRAP (10b) Circuit Rule 10-3.1(a)	Appellant	Within 10 days from the filing of the Notice of Appeal. Times may be tolled pending FRAP 4(a)(4) ruling in district court.	The appellant identifies the portions of the reporter's trial transcript deemed necessary for the appeal and notifies the appellee.

No.	EVENT	WHO	WHEN*	COMMENTS
8	Selection of portions of reporter's transcript necessary for appeal. FRAP 10(b) Circuit Rule 10-3.1(b)	Appellee	Within 10 days after service of the appellant's notice of transcripts to be designated or notice of non-intent to designate, or 30 days after filing the notice of appeal if notice is untimely served. Times may be tolled pending FRAP 4(a)(4) ruling in district court.	The appellee informs appellant of any additional portions of the transcript he/she deems necessary for the appeal.
9	Ordering reporter's transcript. FRAP 10(b); Circuit Rule 10-3(c)	Appellant	Within 10 days from the date of service of appellee's notice of additional transcript requested or within 30 days from the filing of the notice of appeal or by time schedule order. Late or supplemental designations of reporter transcripts should be accepted. The Circuit Court should be informed of the lateness and/or of the need for an order granting permission to file late or supplemental record. Times may be tolled pending FRAP 4(a)(4) ruling in district court.	The appellant must file with the clerk of the trial court a formal designation of the reporter's transcript for 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 the clerk of the trial court.
10	Notification of ordering of transcript Circuit Rule 10-3.1(c)	Appellant	Within 10 days from the date of service of appellee's notice of additional transcripts necessary or notice that no transcripts are requested, or 30 days from the filing of the notice of appeal or by order. Times may be tolled pending FRAP 4(a)(4) ruling in district court.	The appellant must notify the Court of Appeals that transcripts have been ordered or that no transcripts will be ordered at the same time the designation or non-designation is filed in the district court.
11	Notification of Ordering of Transcript	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.
12	Completion and Filing of Court Reporter's Trial Transcript with the Clerk of the Trial Court FRAP 11(b); Circuit Rule 11-1.1	Court Reporter	Within 30 days of designation and order or according to time schedule order FRAP 11(b).	If the transcript cannot be completed by the initial filing date, the court reporter must file a motion for extension of time to complete the transcript with the U.S. Court of Appeals. COURT OF APPEALS FORM PREFERRED.

* Times subject to change by court order.

13	Submission of Certificate of Record Circuit Rule 11-2	Trial Court	Upon the filing of all portions of the reporter's transcript ordered for the appeal, or upon receipt of a 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 Court of Appeals.
----	---	-------------	---	--

No.	EVENT	WHO	WHEN*	COMMENTS
14	Submission of Appellant's Opening Brief and Excerpt of Record FRAP and Circuit Rules 31 and 32	Appellant	As set in time schedule order or by subsequent conference attorney or clerk order.	The brief and excerpt are filed with the Court of Appeals and served on the appellee by the appellant.
15	Submission of Appellee's Brief	Appellee	Within the time provided in the time schedule order.	The brief is filed with the Court of Appeals and served on the appellant.
16	Transmission of reporter's transcript and clerk's record on appeal Circuit Rule 11-4	Trial Court Clerk	Reporter's transcript within 7 days after filing the appellee's brief. Clerk's record upon request.	See generally, Circuit Rules 11-4, 11-5, 11-6.
17	Submission of Appellant's Reply Brief FRAP 31(a)	Appellant	Within 14 days after the service of appellee's brief or as set by order.	This brief is optional.
18	Calendaring	Court of Appeals Clerk	As calendar space is available.	The preliminary calendar is generated from a computer bank of available cases. Criminal, statutory priority and court expedited cases take precedence over regular civil cases.
19	Issuance of Hearing Notice	Court of Appeals Clerk	Approximately 5 weeks prior to hearing date.	Prompt acknowledgement is required. Parties will be advised when the court does not require oral argument. Names of panel judges are posted in the district court clerk's offices one week prior to the hearing.
20	Hearing. Circuit Rule 34	Court of Appeals	As indicated on the Hearing Notice.	Counsel must be in courtroom no later than 30 minutes prior to the calling of the calendar.
21	Submission	Judges of the Court	As ordered by the panel judges.	Generally, submission is simultaneous with the close of hearing. Submission may be deferred pending receipt of additional information requested by the court.
22	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 purpose of filing a petition for rehearing.

* Times subject to change by court order.

rev. 1/99

23	Filing of Petition for Rehearing (optional) FRAP 40	"Losing" Party	Within 14 days after decision is filed or 45 days, if USA is a party.
24	Issuance of Mandate FRAP and Circuit Rule 41	Court of Appeals Clerk	7 days after expiration of time for filing petition for rehearing or denial of the petition.
25	Petition for Writ of Certiorari to U.S. Supreme Court	"Losing" Party	See Supreme Court Rules.