

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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**DOCKETING STATEMENT**

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Case Name: \_\_\_\_\_

Appeal No. (if available) : \_\_\_\_\_

Court/Agency Appealing From: \_\_\_\_\_

Court/Agency Docket No.: \_\_\_\_\_ District Judge: \_\_\_\_\_

Party or Parties Filing Notice of Appeal/Petition: \_\_\_\_\_

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**I. TIMELINESS OF APPEAL OR PETITION FOR REVIEW**

**A. APPEAL FROM DISTRICT COURT**

1. Date notice of appeal filed: \_\_\_\_\_

a. Was a motion filed for an extension of time to file the notice of appeal? If so, give the filing date of the motion, the date of any order disposing of the motion, and the deadline for filing notice of appeal:

\_\_\_\_\_  
\_\_\_\_\_

b. Is the United States or an officer or an agency of the United States a party to this appeal? \_\_\_\_\_

2. Authority fixing time limit for filing notice of appeal:

Fed. R. App. 4 (a)(1)(A) \_\_\_\_\_ Fed. R. App. 4(a)(6) \_\_\_\_\_  
Fed. R. App. 4 (a)(1)(B) \_\_\_\_\_ Fed. R. App. 4(b)(1) \_\_\_\_\_  
Fed. R. App. 4 (a)(2) \_\_\_\_\_ Fed. R. App. 4(b)(3) \_\_\_\_\_  
Fed. R. App. 4 (a)(3) \_\_\_\_\_ Fed. R. App. 4(b)(4) \_\_\_\_\_  
Fed. R. App. 4 (a)(4) \_\_\_\_\_ Fed. R. App. 4(c) \_\_\_\_\_  
Fed. R. App. 4 (a)(5) \_\_\_\_\_

Other: \_\_\_\_\_

3. Date final judgment or order to be reviewed was **entered** on the district court docket: \_\_\_\_\_

4. Does the judgment or order to be reviewed dispose of **all** claims by and against **all** parties? *See* Fed. R. Civ. P. 54(b).  
\_\_\_\_\_

**(If your answer to Question 4 above is no, please answer the following questions in this section.)**

a. If not, did district court direct entry of judgment in accordance with Fed. R. Civ. P. 54(b)? When was this done?  
\_\_\_\_\_

b. If the judgment or order is not a final disposition, is it appealable under 28 U.S.C. § 1292(a)? \_\_\_\_\_

c. If none of the above applies, what is the **specific** statutory basis for determining that the judgment or order is appealable? \_\_\_\_\_

5. Tolling Motions. *See* Fed. R. App. P. 4(a)(4)(A); 4(b)(3)(A).

a. Give the filing date of any motion that tolls the time to appeal

pursuant to Fed. R. App. P. 4(a)(4)(A) or 4(b)(3)(A):

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- b. Has an order been entered by the district court disposing of any such motion, and, if so, when? \_\_\_\_\_
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6. Cross Appeals.

- a. If this is a cross appeal, what relief do you seek beyond preserving the judgment below? *See United Fire & Cas. Co. v. Boulder Plaza Residential, LLC*, 633 F.3d 951, 958 (10th Cir. 2011)(addressing jurisdictional validity of conditional cross appeals).
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- b. If you do not seek relief beyond an alternative basis for affirmance, what is the jurisdictional basis for your appeal? *See Breakthrough Mgt. Group, Inc. v. Chukchansi Gold Casino and Resort*, 629 F.3d 1173, 1196-98 and n. 18 (10th Cir. 2010)(discussing protective or conditional cross appeals).
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**B. REVIEW OF AGENCY ORDER** (To be completed only in connection with petitions for review or applications for enforcement filed directly with the court of appeals.)

1. Date petition for review was filed: \_\_\_\_\_
2. Date of the order to be reviewed: \_\_\_\_\_
3. Specify the statute or other authority granting the court of appeals jurisdiction to review the order: \_\_\_\_\_

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4. Specify the time limit for filing the petition (cite specific statutory section or other authority): \_\_\_\_\_
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**C. APPEAL OF TAX COURT DECISION**

1. Date notice of appeal was filed: \_\_\_\_\_  
(If notice was filed by mail, attach proof of postmark.)
2. Time limit for filing notice of appeal: \_\_\_\_\_
3. Date of entry of decision appealed: \_\_\_\_\_
4. Was a timely motion to vacate or revise a decision made under the Tax Court's Rules of Practice, and if so, when? *See* Fed. R. App. P. 13(a) \_\_\_\_\_

**II. LIST ALL RELATED OR PRIOR RELATED APPEALS IN THIS COURT WITH APPROPRIATE CITATION(S). If none, please so state.**

**III. GIVE A BRIEF DESCRIPTION OF THE NATURE OF THE UNDERLYING CASE AND RESULT BELOW.**

**IV. IDENTIFY TO THE BEST OF YOUR ABILITY AT THIS STAGE OF THE PROCEEDINGS, THE ISSUES TO BE RAISED IN THIS APPEAL.**

**V. ADDITIONAL INFORMATION IN CRIMINAL APPEALS.**

A. Does this appeal involve review under 18 U.S.C. § 3742(a) or (b) of the sentence imposed? \_\_\_\_\_

B. If the answer to A (immediately above) is yes, does the defendant also challenge the judgment of conviction? \_\_\_\_\_

C. Describe the sentence imposed. \_\_\_\_\_

\_\_\_\_\_

D. Was the sentence imposed after a plea of guilty? \_\_\_\_\_

E. If the answer to D (immediately above) is yes, did the plea agreement include a waiver of appeal and/or collateral challenges?

\_\_\_\_\_

F. Is defendant on probation or at liberty pending appeal? \_\_\_\_\_

G. If the defendant is incarcerated, what is the anticipated release date if the judgment of conviction is fully executed?

\_\_\_\_\_

H. Does this appeal involve the November 1, 2014 retroactive amendments to §§ 2D1.1 and 2D1.11 of the U.S. Sentencing Commission's Guidelines Manual, which reduced offense levels for certain drug trafficking offenses?

\_\_\_\_\_

**NOTE:** In the event expedited review is requested and a motion to that effect is filed, the defendant shall consider whether a transcript of any portion of the trial court proceedings is necessary for the appeal. Necessary transcripts must be ordered by completing and delivering the transcript order form to the Clerk of the district court with a copy filed in the court of appeals.

**VI. ATTORNEY FILING DOCKETING STATEMENT:**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Firm: \_\_\_\_\_

Email Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PLEASE IDENTIFY ON WHOSE BEHALF THE DOCKETING STATEMENT IS FILED:**

- A.  Appellant
- Petitioner
- Cross-Appellant

**B. PLEASE IDENTIFY WHETHER THE FILING COUNSEL IS**

- Retained Attorney
- Court-Appointed
- Employed by a government entity  
(please specify \_\_\_\_\_)
- Employed by the Office of the Federal Public Defender.

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Signature

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Date

**NOTE:** A copy of the final judgment or order appealed from, any pertinent findings and conclusions, opinions, or orders, any tolling motion listed in Fed. R. App. P. 4(a)(4)(A) or 4(b)(3)(A) and the dispositive order(s), any motion for extension of time to file notice of appeal and the dispositive order **must be submitted with the Docketing Statement.**

The Docketing Statement must be filed with the Clerk via the court's Electronic Case Filing System (ECF). Instructions and information regarding ECF can be found on the court's website, [www.ca10.uscourts.gov](http://www.ca10.uscourts.gov).

This Docketing Statement must be accompanied by proof of service.

The following Certificate of Service may be used.

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_ hereby certify that on  
[appellant/petitioner or attorney therefor]

\_\_\_\_\_ I served a copy of the foregoing **Docketing Statement**,  
[date]

to:

\_\_\_\_\_, at \_\_\_\_\_  
[counsel for/or appellee/respondent]

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\_\_\_\_\_, the last known  
address/email address, by \_\_\_\_\_.

[state method of service]

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Full name and address of attorney]