

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
ANSWERS TO FREQUENTLY ASKED QUESTIONS

Please refer to the 10th Circuit ECF Manual and Briefing and Appendix Checklist for Additional Information

WHAT				WHO FILES	WHEN	REMARKS	
Computation of Time: Fed R. App. P. 25(a), 26(c)				If ordered by a date certain, the 3-day mailing rule does not apply. If time to file runs “from date of service,” the 3-day rule applies only if service is not completed electronically. Only briefs and appendices are timely if mailed by the due date. Fed. R. App. P. 25(a)(2)(A)(ii). Other pleadings must reach the court by the due date.			
Docketing Statement: 10th Cir. R. 3.4				Appellant	14 days from case opening.		
Entry of Appearance and Certificate of Interested Parties: 10th Cir. R. 46.1				Counsel for all parties	14 days from case opening.		
Disclosure Statement: 10th Cir. R. 26.1(A)				Counsel for all parties	14 days from case opening.	Statement must be filed even if there is nothing to disclose, and it must be promptly updated as necessary.	
Transcript Order Form: Fed. R. App. P. 10(b)				Appellant Appellee	14 days from case opening. 14 days from the appellant's form.	Must file in district court with copy here – even if no transcript is ordered. If transcript is ordered, must obtain court reporter's acknowledgment prior to filing form.	
Designation of Record: 10th Cir. R. 10.3				Court-appointed counsel ONLY	Appellant - 14 days from case opening.	Must file in district court with copy here. Must attach the district court docket sheet with the designated documents circled.	
Motions: Fed. R. App. P. 27 10th Cir. R. 27				Any party	Varies.	Must include opposing parties' position and, if applicable, the custody status, current due date, or any previous extensions. Typed motions may not exceed 5,200 words; handwritten motions may not exceed 20 pages.	
Appellant's Opening Brief: Fed. R. App. P. 28, 31, 32 10th Cir. R. 28, 31, 32				Appellant with retained counsel Appellant with appointed counsel	40 days from the date district court certifies the record is complete. 40 days from date record is filed in circuit court.	Blue cover. Must include oral argument statement on front cover (if requested, a reason must be given at conclusion of brief) and statement of prior or related appeals. Order or judgment appealed must be attached to brief. If brief exceeds 30 pages, certificate of compliance with length limit is required (may not exceed 13,000 words). Size 14 font is preferred, but 13 is acceptable, including footnotes.	
Appellee's Response Brief: Fed. R. App. P. 28, 31, 32 10th Cir. R. 28, 31, 32				Appellee	30 days from service of appellant's opening brief.	Red cover. Oral argument statement, etc., same as appellant's opening brief. Attach order or judgment if appellant failed to attach to opening brief. If brief exceeds 30 pages, certificate of compliance with length limit is required (may not exceed 13,000 words).	

Appellant's Reply Brief: Fed. R. App. P. 28, 31, 32 10th Cir. R. 28, 31, 32	Appellant	21 days from service of appellee's response brief.	Gray cover. If brief exceeds 15 pages, certificate of compliance with length limit is required (may not exceed 6500 words).
Cross Appeals: Fed. R. App. P. 28, 28.1, 31, 32 10th Cir. R. 28, 31, 32	Appellant's Principal Brief	40 days from date district court certifies the record is complete. (If court-appointed counsel, 40 days from date record is filed in the circuit court.)	Blue cover. Must include oral argument statement on front cover (if requested, a reason must be given at conclusion of brief) and statement of prior or related appeals. Order or judgment appealed must be attached to brief. If brief exceeds 30 pages, certificate of compliance with length limit is required (may not exceed 13,000 words).
	Appellee's Principal and Response Brief	30 days from service of Appellant's Principal brief.	Red Cover. If brief exceeds 35 pages, certificate of compliance with length limit is required (may not exceed 15,300 words).
	Appellant's Response and Reply Brief	30 days from service of Appellee's Principal and Response brief.	Yellow cover. If brief exceeds 30 pages, certificate of compliance with length limit is required (may not exceed 13,000 words).
	Appellee's Reply Brief	21 days from service of Appellant's Response and Reply brief.	Gray cover. If brief exceeds 15 pages, certificate of compliance with length limit is required (may not exceed 6,500 words).
Supplemental Authority: Fed. R. App. P. 28(j)	Any party	Any time after briefing.	Must be drafted in the form of a letter, with a 350-word limitation.
Appendix: Fed. R. App. P. 10, 30 10th Cir. R. 10, 30, 30.1	Appellant or Appellee	With principal brief. <i>Sealed documents must be filed in separate volume(s) and must be accompanied by a motion to seal.</i>	All appendices must be filed via ECF; in addition, 1 hard copy submitted to the court when requested by the court.
Trial Exhibits: 10th Cir. R. 10.3(D)(5)	Appellant or Appellee	With principal brief.	Copies of trial exhibits may be included in the appendix or submitted via motion if appeal is proceeding on a record.
Petitions for Panel Rehearing/Rehearing En Banc: Fed. R. App. P. 40 10th Cir. R. 40	Any party	14 days from entry of judgment. In a civil appeal where the U.S. is a party, 45 days from entry of judgment.	Three-day mailing rule <i>does not apply</i> . A copy of the opinion or OJ <i>must be</i> attached to petitions for en banc review. See 10th Cir. R. 40.2(B). If en banc, must include Fed. R. App. P. 40(b)(2) statement. Hard copies are not required.

NOTE: In counseled cases, all documents must be filed via ECF. The Court's CM/ECF User's Manual may be found on our website. All documents must be double-spaced, except for footnotes and quotations containing more than two lines. Seven hard copies of merits briefs and one hard copy of appendices must be submitted when requested by the court.