

10TH CIRCUIT COURT OF APPEALS
ANSWERS TO FREQUENTLY ASKED QUESTIONS REGARDING PRO SE APPEALS

I have filed a notice of appeal but I can't afford to pay the filing fee. What should I do?

If you cannot afford the filing fee, you **may** be excused from paying the fee by filing a motion for leave to proceed *in forma pauperis* (an "IFP Motion"). You should first contact the district court to obtain its form IFP Motion and file that form with the district court. If the district court denies your IFP Motion, or does not decide your IFP Motion in a timely manner, this court will set a deadline by which you may renew your IFP Motion here. If this court directs you to file an IFP Motion here, it will provide you with a copy of its form at that time.

How many copies of my documents do I need to send to the court?

If you do not have an attorney, the court will accept a single copy of filings from you. You do not need to send copies of your filings to attorneys for opposing parties or to other parties who have consented to electronic service. Likewise, you do not need to provide this court with proof that you have served those people. You must, however, send a copy of your filings to any parties who: (1) do not have an attorney; (2) are not themselves an attorney; and (3) have not consented to electronic service. If you are required to serve another party, you must include with your filing a certificate of service that identifies who you served, when, and how.

What are the size limitations for my brief?

Opening and response briefs may not exceed 30 pages unless you certify in writing that the brief contains less than 13,000 words. A reply brief cannot exceed 15 pages unless you certify in writing that it contains less than 6,500 words.

I need more time to file my brief. How can I get an extension of time?

The court will generally grant one 30-day extension of time beyond the initial due date for a brief without much question, but you must file a motion in writing to request that extension. It is more difficult to obtain an extension of time beyond 30 days. You should plan on finishing and filing your brief(s) promptly, as the court doesn't favor extensions of time to file briefs.

Do I need to provide the court with documents/evidence supporting my appeal?

If you do not have an attorney, this court will prepare the record on appeal. You do not need to submit an appendix or copies of any district court documents. This court will not consider evidence or arguments that were not presented to the district court.

How do I obtain copies of my pleadings?

You should always retain copies of pleadings you file in this court for your records. If you want the court to mail a file-stamped copy of a filing to you, you should send the court two copies of your filing (one for the court and one to be returned to you) and include with your filing a self-addressed stamped envelope and a request for a file-stamped copy. If you would like copies of any other filings or of this court's docket, you should send the court a letter specifying the copies you want and include prepayment at the rate of \$.50 per page. If you have questions, you can contact the court at (303) 844-3157. Alternatively, you can register for a PACER account (the court's electronic public access service) through www.pacer.uscourts.gov, and obtain copies at the rate of \$.10 per page retrieved.

I've filed all my documents. What happens next? When will my appeal be decided?

After all the briefs are filed, the court will assign a panel of judges to decide your appeal. The court's decision will be in writing and will be sent to all parties. The court is not required to issue its decision within any particular time frame.

I have questions that aren't answered here. How can I contact the court?

- Visit our website at www.ca10.uscourts.gov to find the Federal and 10th Circuit appellate rules (www.ca10.uscourts.gov/clerk/rules); copies of all necessary forms (www.ca10.uscourts.gov/clerk/forms); general information regarding proceeding pro se in this court (<https://www.ca10.uscourts.gov/pro-se-filing>); and many other resources.
- Contact the Clerk's office by phone at (303) 844-3157. The Clerk's office is open from 8:00 am to 5:00 pm Mountain Time, Monday through Friday except for legal holidays.
- All written correspondence should be mailed to: United States Court of Appeals for the 10th Circuit, The Byron White U.S. Courthouse, 1823 Stout Street, Denver, CO, 80257.

This chart shows the steps in an appeal filed by a person without a lawyer:

