

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
QUICK REFERENCE GUIDE | COMMON MOTIONS IN CIVIL CASES (INCLUDING AGENCY AND HABEAS)

	Motions in General	Motion for Summary Disposition	Motion to Certify Question of State Law	Motion to Extend Time	Motion for Stay or Injunction Pending Appeal	Motion for Attorney Fees
Rule(s)	FRAP 27 & 10th Cir. R. 27	10th Cir. R. 27.3	10th Cir. R. 27.4	10th Cir. R. 27.6	FRAP 8; 10th Cir. R. 8.1, 8.2, 8.3	10th Cir. R. 39.2
Conferral	Per 10th Cir. R. 27.1, all motions must contain a statement of the opposing party’s position on the relief requested.					
Length	Per FRAP 27(d)(2): Motion and response must not exceed 20 pages (handwritten or typewritten) or 5,200 words (produced using a computer), and a reply may not exceed 10 pages (handwritten or type written) or 2,600 words (produced using a computer).					
Hard Copies	Per 10th Cir. R. 27.2, paper copies of electronically-filed motions are not required.					
Emergencies	Motions requesting emergency relief (within 48 hours) require advance notice to the Clerk’s Office. 10th Cir. R. 8.2					
Timing of Motion, Response & Reply	No general motions-filing deadline, but rules that pertain to specific types of motions (such as those listed here) may apply. Unless a different rule provides otherwise, responses are due 10 days after service of motion, and replies are due 7 days after service of response. FRAP 27(a)(3)-(4).	14 days after notice of appeal filed; 10th Cir. R. 27.3(A)(3); <i>but see</i> 10th Cir. R. 27.3(A)(1)(d), 27.3(A)(3)(c) regarding motions to enforce appeal waivers	Motion due at same time as, but separately from, movant’s merits brief. 10th Cir. R. 27.4(C). Response filed with principal or reply brief, or within 14 days of motion. 10th Cir. R. 27.4(D). Reply deadline governed by FRAP 27(a)(4).	3 days before deadline moving party seeks to extend		Motion due 14 days after expiration of rehearing deadline, or 14 days after disposition of petition for rehearing. 10th Cir. R. 39.2(A). Response due 14 days after service of motion. 10th Cir. R. 39.2(C). Reply deadline governed by FRAP 27(a)(4).
Special Notes	The Clerk is authorized to act on certain motions. <i>See</i> 10th Cir. R. 27.5.	10th Cir. R. 27.3(A)(4): Failure to file a timely motion for summary disposition does not preclude a party from raising the issue in a merits brief.	Usually referred to merits panel and considered at same time as arguments on the merits. 10th Cir. R. 27.4(E).	10th Cir. R. 27.6(A) (extensions of time disfavored); (D) (requirements), (E) (reasons must be stated)	Must ordinarily move in district court first; must give reasonable notice to all parties; per 10th Cir. R. 8.2 must notify Clerk in advance if emergency (requesting a ruling within 48 hours) ; <i>see</i> 10th Cir. R. 8.2(A)(5) for immigration cases	Must set forth legal basis for fees award, but need not contain an itemization of tasks undertaken or fees sought unless requested by the court. 10th Cir. R. 39.2(B).
Certifications	A certificate of service must be included when required. 10th Cir. R. 25.4; https://www.ca10.uscourts.gov/clerk/forms .					

Note: This quick reference guide is provided by the Clerk’s Office for the convenience of counsel and litigants for reference purposes only and does not constitute legal advice. Counsel and litigants remain responsible for independently reviewing and complying with the Federal Rules of Appellate Procedure and the Tenth Circuit Rules.