

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

| | Motions in General | Motion for Summary Disposition | Motion to Certify a Question of State Law | Motion to Extend Time | Motion for Stay or Injunction Pending Appeal | Motion for Attorneys' 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). | | | | | |
| Form & Font | FRAP 27(d)(1)(A) through (E) | | | | | |
| Format | FRAP 27(d)(1)(D) | | | | | |
| Typeface | FRAP 27(d)(1)(E) | | | | | |
| Type Style | FRAP 27(d)(1)(E) | | | | | |
| 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 (e.g., the others listed in this table) may apply. Unless a different rule provides otherwise, per FRAP 27(a)(3)-(4) responses are due 10 days after service of motion, and replies are due 7 days after service of response. | 14 days after notice of appeal filed; 10th Cir. R. 27.3(A)(3)(a); <i>but see</i> 10th Cir. R. 27.3(b)(i) and (ii) regarding motions to enforce appeal waivers | Motion due at same time as, but separately from, merits brief of moving party. 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). | 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). |
| Special Notes | The Clerk is authorized to act on certain motions. <i>See</i> 10th Cir. R. 27.5. | | 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 (D), (E) & (F) | Careful review of FRAP 8 required; ordinarily must move in the 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); see 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.