

MEMORANDUM

TO: Interested Parties
FROM: Chris Wolpert, Clerk of Court
RE: 2026 Revisions to the Tenth Circuit Rules
DATE: August 7, 2025



Changes to the Tenth Circuit Rules will take effect on January 1, 2026. The court invites comments regarding those changes, which are summarized below. Comments may be submitted via email to Clerk@ca10.uscourts.gov through September 12, 2025. The final 2026 Tenth Circuit Rules will be posted to the court's website no later than November 28, 2025.

10th Cir. R. 6 – Direct Appeal from Bankruptcy Court

A new Rule 6.1 is intended to conform our rule to the amendment to Federal Rule of Appellate Procedure 6(c) by clarifying that Tenth Circuit Rule 5 applies to direct appeals from a bankruptcy court to the court of appeals pursuant to 28 U.S.C. § 158(d), except as specified. The current Rule 6.1 is moved to a new Rule 6.2.

10th Cir. R. 10.2 – Transcripts

The proposed revisions to Rule 10.2 are intended to clarify and streamline the transcript-ordering process to eliminate unnecessary delay.

10th Cir. R. 25.4 – Electronic Service of Electronically Filed Papers

The proposed reorganization of Rule 25.4 is intended to further highlight that case-initiating petitions must be served in a manner other than via the court's electronic-filing system.

10th Cir. R. 26.1 – Disclosure Statements

The proposed revisions Rule 26.1 are intended to clarify who must file a disclosure statement, and when such statements must be filed and amended.

10th Cir. R. 29.1 – Amicus Briefs on Rehearing

The proposed revisions to Rule 29.1 are intended to more clearly distinguish between amicus briefs submitted in connection with a petition for rehearing, and amicus briefs submitted after rehearing en banc has been granted.

10th Cir. R. 36 – Publication of Decisions; Entry of Judgment

The proposed revisions to Rule 36.1 make clear that this rule addresses the publication of decisions.

The proposed addition of a new Rule 36.2 clarifies that orders disposing of cases serve as the judgment for purposes of any deadlines that may run from the entry of judgment.

10th Cir. R. 46.3 –Responsibilities in Criminal and Post-Conviction Appeals

The proposed addition to Rule 46.3(A) requires CJA trial counsel to order transcripts of any change of plea, sentencing, or trial proceedings prior to filing a motion to withdraw in the appeal. This proposed revision is intended to eliminate delay in the preparation of the record on appeal.

10th Cir. R. 46.4 – Frivolous Appeals; Duty of Counsel

The proposed revisions to Rule 46.4(B)(1) are intended to promote consistency and compliance with the requirements of *Anders v. California*, 386 U.S. 738 (1967), by making clear that (1) the *Anders* procedure applies to *wholly* frivolous appeals; and (2) a motion to withdraw must accompany both *Anders* briefs and *Anders* responses to motions to dismiss.