10th CIRCUIT COURT OF APPEALS

CM/ECF USER'S MANUAL

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10TH CIRCUIT APPEALS COURT CM/ECF USER'S MANUAL*

I. GETTING STARTED 1
A. Common Terms 1
1. Electronic Filing 1
2. Filing User 1
3. Notice of Docket Activity 1
4. PACER 1
5. PDF 2
B. Hardware & Software Requirements 3
1. Personal Computer 3
2. Word Processing Software 3
3. Internet Service Provider & Web Browser 3
4. Email Account 3
5. PDF Conversion Software 3
6. Scanner 3
7. Java Runtime Environment (JRE) 1.6 4

II. POLICIES AND PROCEDURES FOR FILING VIA ECF 4
A. Scope of Electronic Filing 4
1. Effective Date 4
2. Persons Covered 4
3. ECF Filing Requirements 4
B. Eligibility, Registration, Passwords 6
1. Attorneys 6
2. Pro Se Litigants 7
3. Registration Constitutes Consent to Electronic Service 7
4. Passwords 7
5. Revoking E-Filing Privileges 8
C. Consequences of Electronic Filing 8
1. Filing Complete at Date and Time Stated on Notice of Docket Activity 8
2. Electronic Document is Official Record 8
D. Service of Documents by Electronic Means 8
1. Service of Documents 8

* The court's former General Order dated March 18, 2009, has been fully incorporated into this manual and is no longer an active Order. For convenience, however, a copy has also been included in this manual. The Manuel governs all requirements.

2. Preparing the Certificate of Service 8
3. Conventional Service Required for Those Not Registered As Filing Users 9
4. Conventional Service Required for Paper Filings 9
5. Three Days Added to Prescribed Period if Service was By Electronic Means 9
E. Entry of Court-Issued Documents 9
F. Attachments and Exhibits to Pleadings 9
1. Electronic Filing Required 9
2. PDF required 10
3. File Size 10
4. Multiple Attachments/Exhibits 10
G. Filing Sealed Documents (including motions to seal documents) 10
H. Signatures 10
1. Use of Digital Signature 10
2. Documents Requiring Multiple Signatures 11
I. Certification 11
J. Technical Failures 12
K. Public Access, Privacy Protection & Redactions 12
1. Information Publicly Available on Internet 12
2. Sealed Cases, Immigration & Social Security Cases 12
3. Establishing The Required Link Between ECF and PACER Accounts 12
L. Address, E-Mail, Telephone Number Changes 13
M. Review of Electronically Filed Pleadings 13
N. Interested Parties to an Appeal 13
O. Commercial URLs 14
P. CJA Attorneys With Two PACER Accounts 14
Q. Metadata 15
R. Appendices 15

III. CM/ECF Document Filing & Information Checklist 16
1. Case Initiating Documents 16
2. Notice of Appeal 16
3. Preliminary Documents 16
4. Motions, Responses, Replies 17
5. Briefs 17
6. Sealed Briefs 18
7. Appendices 19
8. Supplemental Auth., Status Rpts, Memoranda, Correspondence 19
9. Sealed Materials With The Exception of Briefs 20

10. Oral Argument Acknowledgment Forms & Custody Status Questionnaires 21
11. Petitions for Rehearing And Rehearing En Banc 21
12. Bills of Cost and Objections 22
13. Criminal Justice Act Vouchers 22
14. Ex Parte Pleadings 22

IV. HOW TO USE THE CM/ECF SYSTEM, EXAMPLES AND STEP-BY-STEP GUIDE 23
Appellate CM/ECF Login 23
Startup Page 24
Establishing Link Between ECF and PACER Accounts 25

A. Docketing a Pleading in a Case - The Basics 26

B. Filing a Brief 33

C. Filing a Motion 38

D. Filing an Entry of Appearance 43

E. Filing a Response 47

F. Filing a Supplemental Authority 51

G. Other Hints and Tips (Things Every ECF Filer Will Want To Know) 55

H. How to Create Hyperlinks 57

I. How to Compress PDF Files 69

J. How to Create an Appendix Using District Court ECF 77

V. ECF EVENT & RELIEF CATEGORY BREAKDOWN 81
ECF EVENT CODES 81
ECF RELIEF CODES 85
WHERE TO GET HELP 89

VI. FREQUENTLY ASKED QUESTIONS 90

VII. FORMER GENERAL ORDER (Filed March 18, 2009) 95

VIII. HOW TO SUBMIT ORIGINAL PROCEEDINGS VIA ECF.....105

IX. HOW TO REQUEST A CERTIFICATE OF GOOD STANDING VIA ECF.121

I. GETTING STARTED

A. Common Terms

1. Electronic Filing: The process of uploading a document from the filer's computer, using the court's internet-based Case Management/Electronic Case Filing System (CM/ECF) to file the document in the Court's electronic case file. The CM/ECF System only accepts documents in Portable Document Format (PDF).

2. Filing User: An individual who has a login and password to file documents electronically using the court's CM/ECF System. Since an individual can use the same login and password to file in any federal appellate court in which the individual has registered, the terms Appellate Filer and Appellate ECF Filer are also used.

3. Notice of Docket Activity (NDA): A Notice of Docket Activity (NDA) is a notice sent via email that is generated when a docket transaction requires that notice be sent to attorneys, case participants, or court personnel. NDAs can be generated when a party or attorney files a document with the clerk's office or when the court enters an order or takes other public action in a case. **If you are a CM/ECF participant, your receipt of the NDA is service of that document or order, and registration for the CM/ECF system constitutes consent to receive service through the NDA.** Generally, an NDA contains a hyperlink back to the court's docket sheet and the document in question. When parties receive an NDA they can click on the document and obtain a "free look." Parties should save the document at that point. In the district court and bankruptcy court systems the NDA is called the Notice of Electronic Filing (NEF). Parties should save the NDAs as proof of the filing. In this regard, please see Fed. R. App. P. 25(c)(1)(D) and 10th Cir. R. 25.4 and 31.5.

4. PACER: "Public Access to Court Electronic Records" is an automated system that allows subscribers to view, print, and download Court docket information and documents via the internet. An NDA generated for a filing will contain a hyperlink to the document(s) filed. The PACER system allows case participants "one free look" at that document. The document(s) should be saved or printed when it is first opened from the NDA. Subsequent electronic access to the document, or electronic access to the docket through PACER will be billed by the PACER Service Center at $0.10/page with a maximum charge of $3.00 per document. Please note that if usage does not exceed $15 in a quarter, all fees will be waived.

5. PDF: "Portable Document Format"is a file format used for document exchange. The advantage of using PDF for documents lies in the fact that the document's format becomes device-independent, resolution-independent, and fixed-layout. The document can be viewed as created, regardless of the software that created it, because PDF files do not encode information that is specific to the application software used to create the document.

WordPerfect versions 9 and higher include the capability to convert text documents to PDF by clicking "File" on the toolbar, then selecting "Publish to PDF."

Microsoft Word 2007 and all later versions have the ability to convert documents to PDF. Word 2007 requires a plug-in that you can download for free from Microsoft's website. Older versions of Word require a third-party plug-in such as Adobe Acrobat. There are also third-party applications that allow you to generate a PDF from a saved document, and many of these are free.

Interactive on-line training on converting Word or WordPerfect documents to PDF is available at http://pacer.psc.uscourts.gov/ecfcbt/dc/cccnvtpdf/.

There are two types of PDF files. Whenever possible, native PDF files must be used. **In particular, the Court requires that all pleadings be submitted in native PDF.** Attachments to pleadings may be submitted in scanned PDF if native format is not available. A maximum of 10 megabytes (regardless of format) may be uploaded per PDF file.

a. Native PDF: Electronically converted PDF documents are created from word processing documents (Word, WordPerfect, etc.) using Adobe Acrobat or similar software. Native PDF documents are text searchable and generally have a small file size (that is the reason the court requires that all pleadings be in native PDF). Native PDF documents up to 10 megabytes in size may be uploaded as a single file; documents exceeding that limit should be split into separate files using appropriate identification of the files.

b. Scanned PDF: Scanned PDF documents are created by putting paper documents through an optical scanner. Scanned image PDF documents are not text searchable and have a large file size. Scanned PDFs up to 10 megabytes may be uploaded as a single file; documents exceeding those limits should be split into separate files using appropriate identification of the files (that is, they should be identified by volume number). Oversized files may also be compressed using Adobe Acrobat to comply with the 10 megabyte limit. See User's Manual Part IV, Section I, for instructions on

compressing PDF files.

B. Hardware and Software

The following hardware and software are needed for CM/ECF:

1. Personal Computer: You will need a personal computer running Windows, and equipped with Java 1.6 (or higher). Macintosh users need OS X version 10.7 or higher with the most recent updates that include Java. The updates may uninstall the Java applet plug-in from all web browsers. When logging into CM/ECF it will say "Missing Plug-In" and will require the user to perform a one-time download from the Oracle web site to get the needed plug-in. Alternatively, Macintosh users may choose to run Windows emulation software such as Fusion, Parallels, or Bootcamp.

2. Word Processing Software: WordPerfect, Microsoft Word, or any other word processing software that will permit you to convert text documents to PDF may be used.

3. Internet Service Provider and Web Browser: CM/ECF has been certified to work with Mozilla Firefox versions 1.5 or higher and Internet Explorer version 7 or higher.

4. Email Account: On your PACER filing account, you may register more than one email address for receipt of Notices of Docket Activity. The address(es) must be regularly monitored, however, as your only notification of case activity will be via email. Counsel must also ensure that the spam filter operation on the network and computer receiving the email is set to allow notices from ca10.uscourts.gov.

5. PDF Conversion Software: WordPerfect version 9 and higher include the capability to convert text documents to PDF. Microsoft Word 2007 and all later versions have the ability to convert documents to PDF. Word 2007 requires a plug-in that you can download for free from Microsoft's website. Older versions of Word require a third-party plug-in such as Adobe Acrobat. There are also third-party applications that allow you to generate a PDF from a saved document, and many of these are free.

Interactive on-line training on converting Word or WordPerfect documents to PDF is available at http://pacer.psc.uscourts.gov/ecfcbt/dc/cccnvtpdf/.

6. Scanner: A scanner will be necessary only if you need to include attachments to

pleadings that are not available in native PDF. Paper documents should be scanned into PDF format at 300dpi.

7. Java Runtime Environment (JRE) 1.6: Java 1.6 or higher is required for CM/ECF to operate on your computer. It is available at www.java.com. Select "Do I Have Java"on the main screen to verify which version you currently have on your computer. If you do not have Java 1.6, you will be prompted to download it. Mac users will need the 64-bit Macintosh with OS X 10.7 including the Apple-supplied Java 1.6. If you are a Mac user with an older 32-bit OS you will need to add additional software such as Fusion, Parallels, or Bootcamp that will allow Windows to run on a Mac.

II. POLICIES AND PROCEDURES FOR FILING VIA ECF

(Incorporated from the Court's Original Order on ECF filing dated 3/18/2009)

A. Scope of Electronic Filing

1. Effective Date: Attorneys have been permitted to register on PACER as Filing Users since October 2008. **Filing in the CM/ECF System became mandatory for all counsel on June 1, 2009.**

2. Persons Covered: All attorneys filing documents in the Tenth Circuit must file electronically using CM/ECF (regardless of when the case was opened initially) unless counsel applies for, and the Court grants, an exemption for good cause shown in a particular case. Motions seeking an exemption may come in paper form. *See* Fed. R. App. P. 25(a)(2)(D). Pro se litigants may continue to file documents conventionally (i.e., in hard copy form). A pro se litigant may, however, request permission to file documents electronically in an individual appeal or proceeding. Pro se litigants seeking permission to submit documents via ECF should file a hard copy motion seeking permission at the earliest opportunity. If approved, the pro se litigant will be authorized to file via ECF in that matter only.

3. ECF Filing Requirements: All pleadings and other documents filed by counsel must be filed electronically in native PDF – please see below for additional filing information for particular cases/submissions:

a. Effective October 1, 2012, case initiating documents for original proceedings may be submitted via ECF/pay.gov (see this Users Manual at Section VIII for specifics on how to submit). Materials falling into this category include petitions for review, petitions for

permission to appeal and original writs. **Please note that any accompanying appendices to the case initiating documents may now be submitted via ECF when using that option**. Appendices filed with the Court electronically are limited to 10 megabytes per uploaded file. More than one file may be uploaded to a particular entry, provided that the total file size does not exceed 50 megabytes per transaction. Submission of case initiating documents via ECF is not mandatory at this time, however. Alternatively, these pleadings may be submitted in paper format or emailed to the Clerk at 10th_Circuit_Clerk@ca10.uscourts.gov. Pleadings forwarded on email should be in Native PDF format. In addition, please note that submission of case initiating documents via ECF does not exempt the filing party from serving the documents via conventional methods. See User Manual Section II D 4.

b. Effective January 1, 2015, appendices submitted pursuant to Federal Rules of Appellate Procedure 30 and 10th Circuit Local Rules 9.2(B), and 30 must be filed electronically. With the exception of Rule 9.2(B) appendices, a single hard copy of any appendix filed must be also be received in the office of the Clerk within 2 business days of submission of the appendix and brief via ECF.

c. CJA vouchers are a hybrid. For information regarding filing vouchers, please go to our website at www.ca10.uscourts.gov/clerk/rulesandforms.php and see our links to the relevant CJA materials.

d. Please note more than one file may be uploaded to a particular entry/option, provided the total transaction does not exceed 50 megabytes. Individual PDFs may not exceed 10 megabytes. Any attachment to a pleading exceeding 10 megabytes may not be submitted electronically, and should be divided into smaller PDFs that comply with the size limitations. Counsel seeking to submit attachments so large they cannot be filed via ECF must submit a motion prior to submission seeking exemption from the electronic filing requirements and justifying the need to submit attachments of this size.

B. Eligibility, Registration, Passwords

1. Attorneys: Attorneys who are members in good standing of the Tenth Circuit Bar and who intend to practice in this Court must register as filing users of the Court's CM/ECF System by following these steps [for additional information and a tutorial, please see the "CM/ECF & Court Filing" tab on our website]:

a. Register with PACER for a PACER account: If you or your law firm have not previously obtained a PACER account (used to view documents), you must obtain a PACER account. Register for a PACER account at the PACER Registration web site (http://pacer.gov).

b. Register with PACER for An Appellate Filer Account: In addition to having a PACER viewing account (as noted above) you will also need to register for an appellate filer account. This account is required in order to file materials in ECF. It is also required to view documents in social security and immigration cases in which you are participating. This account also allows you to view sealed materials in cases in which you appear. Register for an appellate filer account at the PACER Service Center Appellate ECF Filer Registration web site (http://pacer.gov). The registration process takes approximately five minutes.

c. Training: The court has made available several Captivate training modules for ECF users on its web site. Counsel/Parties are strongly encouraged to take advantage of these training tools. In addition, both the manual and a Frequently Asked Questions guide are available in ECF via the "Help" menu at the top of the screen.

d. Notification: After you have completed your Filer registration form, PACER will submit your information to the Court for approval. Registration requests are generally processed within 24 hours on business days. You will receive notice via email when you are approved for electronic filing. If your registration is rejected, you will be notified via email and informed what step(s) need to be taken to make the appropriate corrections.

e. Address, Email, Telephone Number Changes: Filing users must update personal, email, and address changes with the PACER Service Center. If you do not, you may not receive notices of activity (NDAs) in the proceeding. To update an account, go to the PACER Service Center www.pacer.gov and choose the "Manage My Appellate Filer Account"

option. Generally, the court's records will be updated within one business day after PACER's receipt of the updated information. **Please note a hard copy or emailed change of address form submitted to the court will be insufficient to update personal and address changes in PACER. ECF accounts that are not current are subject to being disabled by the court.**

2. Pro Se Litigants: Pro se litigants are not required to file documents electronically and generally do not file via ECF. However, should a pro se party wish to file electronically, he/she may (in fact, must) file a motion requesting permission to do so. That motion should be submitted in paper form prior to registering. The request to file electronically may be made only in a specific appeal or proceeding. That is, the court will not entertain pro se motions to file in future cases or in cases in which the litigant is not a party. If granted, the pro se litigant will be directed to register with PACER as a pro se appellate filer and will be permitted to submit documents via ECF in that case only. The Court will terminate the pro se litigant's filing user status upon the termination of the case or termination of the litigant's pro se status.

3. Registration Constitutes Consent to Electronic Service: Completion of the appellate filer registration on PACER constitutes consent to electronic service of documents via CM/ECF.

4. Passwords:

a. Security: In registering, filing users agree to protect the security of their passwords. Contact the PACER Service Center and the clerk immediately if you learn that your password has been compromised.

b. Changing Your Password: If you wish to change your password you will need to do so through your PACER Appellate Filer Account. Log in to the "PACER Appellate File Account Update" "Manage My Appellate Filer Account" portion of the site to make a password change.

c. Forgotten Password: If you forget your password, you can retrieve it electronically through the Pacer Service Center Forgotten Password Request section of the website. To retrieve your password, you will need your account ID, security question answer, and the email address and telephone number associated with your account.

d. Delegation of Authority to Use Login and Password: Administrative assistants, paralegals, or other authorized persons may use your login and

password to file documents on your behalf. Remember, however, that a delegation to use your login and password to utilize the Court's system constitutes an implicit agreement, by you, that there will be compliance with all rules and regulations governing CM/ECF. The agreement to comply continues whether you are using the system personally or are delegating that authority to someone else.

5. Revoking E-Filing Privileges: The Court may revoke a filer's privileges for good cause.

C. Consequences of Electronic Filing

1. Filing Complete at Date and Time Stated on Notice of Docket Activity: Electronic transmission of a document to CM/ECF, together with the transmission of the Notice of Docket Activity from the Court, constitutes filing of the document unless the pleading is subsequently cited as deficient under the Federal Rules of Appellate Procedure and/or local rules of the court, or unless hard copy follow-up is required (please see this *Manual* at Part II, Section A, paragraph 3 with regard to these requirements--hard copies are required for briefs, appendices and petitions for rehearing but not for other pleadings). Electronic filing must be completed before midnight, Mountain Standard Time, as shown on the Notice of Docket Activity, to be considered timely filed on the day it is due.

2. Electronic Document is Official Record: When a document has been filed electronically, the official record is the electronic document stored by the Court. Counsel must take care to verify the accuracy of the electronic document before committing the transaction to the docket.

D. Service of Documents by Electronic Means

1. Service of Documents: The Notice of Docket Activity generated by the CM/ECF System constitutes evidence of service of the filed document on participants registered to receive materials electronically. It is the responsibility of the Filer to confirm that service is effected. If a party to the case is not registered to receive service via NDA, the Filer must serve that party in another appropriate manner–either via hard copy or email. *See* 10th Cir. R. 25.4.

2. Preparing the Certificate of Service: A certificate of service must be attached as the final page to all documents filed with the Court, in accordance with Fed. R. App. P. 25(d)(1).

3. Conventional Service Required for Those Not Registered as Filing Users: As noted, participants in a case not served through CM/ECF must be served conventionally.

To determine whether case participants are registered to receive ECF service, and to confirm how service should be effected on each party, please use the "Service Method Report" available within CM/ECF under the Reports menu option. If an attorney's "ECF Filing Status" is active, he/she may be served via ECF; if not registered, service must be completed via other methods (e-mail, postal mail, etc.)

4. Conventional Service Required for Paper Filings: Documents filed in paper form must be served conventionally. For example:

a. Case Initiating Documents: Regardless of whether case initiating documents are submitted to the court via ECF or are filed in paper form, or via email (in PDF format), with the Clerk, copies must be served via conventional methods in paper form or via email.

5. Three Days Added to Prescribed Period if Service was by Electronic Means: Under Fed. R. App. P. 26(c), when a party is required or permitted to act within a prescribed period after a paper is served, three calendar days are added unless the paper is delivered on the date of service. **Please note that under this rule, a paper that is served electronically is not treated as delivered on the date of service.**

E. Entry of Court-Issued Documents

Court orders, opinions, judgments, and all other documents are filed on the docket electronically and are forwarded to the parties electronically (via a Notice of Docket Activity). The court makes exceptions if the participant does not have an email address. In that case, the relevant Order or Opinion, etc., will be forwarded in hard copy via regular postal mail.

F. Attachments and Exhibits to Pleadings

1. Electronic Filing Required: All attachments and exhibits to pleadings must be filed in electronic form unless otherwise directed by the Court.

2. PDF required: All attachments and exhibits must be filed in PDF format. The Court prefers that attachments be submitted in native PDF; however, if attachments are not available in native PDF, they may be submitted in scanned PDF.

3. File Size: Documents filed with the Court electronically are limited to 10 megabytes per uploaded file. More than one file may be uploaded to a particular entry, provided that the total file size does not exceed 50 megabytes per transaction.

4. Multiple Attachments/Exhibits: If possible, all attachments/exhibits to a document should be merged into a single PDF for filing. That document may not, however, exceed 10 megabytes. If the size limit would be exceeded by merging the materials into a single PDF, the attachments may be divided into two (or more, if size warrants) separate PDFs. Each PDF may be uploaded using the "Add Another" button within the ECF docket entry. After uploading each file, use the text box to properly describe each file (that is, you may edit the text in that box to identify and name the attachment).

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NOTE: Large PDFs may be reduced in size by using Adobe Acrobat's built-in "Optimize Scanned PDF" option under the View and Tools menu. See this Manual, Part IV, Section I for complete instructions on compressing files.

G. Filing Sealed Documents (Including Filing a Motion to Seal a Document)

After logging into CM/ECF and entering your appeal number, select the "Sealed Briefs and Motions" category. These events were specifically designed to allow for submission of sealed pleadings and briefs. You may file a sealed motion, response, or brief in this manner. Failure to select the "Sealed Briefs and Motions" category will result in your pleading being filed as a public document. Counsel are responsible for ensuring that sealed materials are filed using these events. In addition, **please note that if you are submitting a motion to seal materials simultaneously with the sealed materials themselves, you should use these events. That is the case even if the motion to seal is not submitted as sealed. You may file the sealed materials as an attachment to the "sealed motion filed" docket event.**

H. Signatures

1. Use of Digital Signature: The name/signature block of the filing user under whose login and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear. That is, the

signature should appear at the conclusion of the document as it would in a hard copy of the pleading.

All ECF submissions requiring a signature shall be signed in the following manner:

s/ Attorney (or where applicable, pro se party)
Street Address
Telephone Number
Email Address

2. Documents Requiring Multiple Signatures: Documents requiring signature by more than one party may be completed via the use of digital signature (including the name of the party preceded by an "s/" and typed in the space where the signature would otherwise appear).

I. Certification

In addition to a certificate of service, all ECF pleadings ***must include*** an additional certification, in the pleading, confirming that:

a. all required privacy redactions have been made. In this regard, please see *section K* of this manual. In addition, please *see* Fed. R. App. P. 25(a)(5). Required redactions include social security numbers and taxpayer identification numbers (filers may disclose the last four digits of a social security or tax identification number), birth dates (use year of birth only), and financial account numbers (except those identifying property alleged to be subject to forfeiture in a forfeiture proceeding). It is the *sole responsibility* of the filer to redact pleadings appropriately. *See also* Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037.

b. the hard copies of any pleading required to be submitted to the clerk's office are *exact* copies of the ECF filing (that is, for ECF pleadings which also require submission of hard copies, the filer must include written certification in the pleading that the electronic copy and the required hard copies are exactly the same);

c. the ECF submission was scanned for viruses with the most recent version of a commercial virus scanning program (naming the program, version, and the date of the most recent update), and, according to the program is free of viruses.

J. Technical Failures

A party or attorney adversely affected by a technical failure in connection with filing or receipt of an electronic document may seek relief by appropriate motion.

K. Public Access, Privacy Protection and Redactions

1. Information Publicly Available on Internet: Counsel should exercise caution with regard to inclusion of sensitive personal data in filings. **It is counsel's responsibility to follow the privacy and redaction requirements of Fed. R. App. P. 25(a)(5), as well as applicable federal rules of civil procedure, criminal procedure and the relevant bankruptcy rule. *See* Fed. R. Civ P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037. Required redactions include social security numbers and taxpayer identification numbers (filers may disclose the last four digits of a social security or tax identification number), birth dates (use year of birth only), minors' names (initials may be used), and financial account numbers (except those identifying property alleged to be subject to forfeiture in a forfeiture proceeding). Counsel should note the clerk will not review documents for redaction or sealing.**

2. Sealed Cases, Immigration and Social Security Cases:

Immigration and Social Security Cases.

Remote public access (that is, PACER access) to electronic documents in immigration and social security cases is limited to orders, opinions, and other documents which *the Court issues*. Remote electronic access to other materials (i.e., pleadings which the parties file and the record) is available only to parties and attorneys who have entered an appearance in the case *and* who are registered to file via CM/ECF.

Sealed Materials and Sealed Cases

With regard to all sealed materials, parties should note remote public access (that is, PACER access) is available only to parties and attorneys in the case who have entered an appearance *and* who are registered to file via CM/ECF.

3. Establishing the Required Link Between ECF and PACER Accounts : After the court approves your ECF registration you will need to link your ECF account to your PACER account. **This is quite important, as it will be the only way you will be able to view sealed pleadings in a case if you are counsel of record.**

You will only need to do this once. To link your accounts, please do the following:

a. Log into ECF.
b. Select "PACER Report" from the Reports Menu.
c. The PACER login screen will appear. Enter your PACER login and password, and check the "Make this my default PACER login" box.
d. Click Login.
e. You will need to log out of ECF and log back in for the change to take effect.

You will now be able to access PACER directly from your ECF account. **If you are counsel of record in a case, this is the only way you will be able to view sealed documents in that proceeding. Please note you will not be able to view sealed materials in your case if you access the docket via the public PACER site.**

L. Address, E-Mail, Telephone Number Changes

Filing users must update personal, email, and address changes with the PACER Service Center. If you do not, you may not receive notices of activity (NDAs) in the proceeding. To update an account, go to the PACER Service Center www.pacer.gov and choose the "Appellate CM/ECF Filer Account Update" "Manage My Appellate Filer Account" option. Generally, the court's records will be updated within one business day after PACER's receipt of the updated information. **Please note a hard copy or emailed change of address form submitted to the court will be insufficient to update personal and address changes in PACER. ECF accounts that are not current are subject to being disabled by the court.**

M. Review of Electronically Filed Pleadings

The clerk's office will review all pleadings submitted via ECF to ensure compliance with appropriate appellate and local rules, and to ensure that each pleading was filed correctly. Should a document be deemed noncompliant, counsel will be contacted and instructed to re-file the pleading.

N. Interested Parties to an Appeal

Individuals wishing to register as "interested parties" for particular cases may do so via the PACER Service Center site (registering as an interested party allows the registrant to receive *public* NDAs issued in a particular proceeding). Registering as an interested party may be a good option for counsel wishing to follow a related

case, or an appeal raising a significant issue of interest.

Attorneys who are registered with ECF may add themselves to the notice list for cases in which they are not involved by selecting "Notice for Cases of Interest" from the Utilities menu option and following the directions on the screen. Please note, however, that interested parties are not considered "of record." As a result they cannot file pleadings, nor will they have the "one free look" available when NDAs are issued. Likewise, they will not be able to view sealed materials. Pro se individuals who have received permission to use ECF in a given case will not be able to add themselves as interested parties to other cases. Please note that only one email address per account will be able to receive "interested party" notices.

O. Commercial URLs

You may not be able to upload a PDF to ECF if the PDF contains an active link to a commercial URL. Please prepare accordingly. You may create hyperlinks to documents being filed as attachments to your pleading, or to documents already attached to the docket. See this manual, Part IV, Section H, for complete instructions on hyperlinking your filings. Please note hyperlinking is optional at this time.

P. CJA Attorneys With Two PACER Accounts

CM/ECF allows a filing attorney to permanently associate a PACER login with an ECF filing login. The ECF filing login and PACER login became associated by checking the box "Make this my default PACER login" during a previous session. When the two are associated, each time the attorney logs in to file a document the system also automatically logs the attorney in as a PACER customer. This is a helpful tool for attorneys who always use the same PACER account. For attorneys who must switch between PACER viewing accounts, however, based on the type of work they are performing (for example, working on one case as court-appointed counsel while working on another as retained counsel), this default association may require updating. In this regard, please see the instructions below.

If you have linked your PACER account with your ECF account, and you need to un-associate the two accounts, please follow these steps: Log in to your ECF account, click on "Utility" in the menu and select "Update My Account." Check the box next to "Remove the Default PACER Login" and click the "Apply" button. **After doing this, you will be prompted to enter a login name and password each time you access PACER via your ECF account.**

Q. Metadata

Metadata is additional data about a document that software like Word, WordPerfect and Acrobat automatically stores inside the document. It can be anything from the name of the document's author to change tracking information and even previous versions of the document. The court does not review pleadings filed via ECF for sensitive metadata, nor does it takes steps to protect metadata in pleadings filed via ECF. As such, it is the filer's responsibility and duty to protect and/or remove metadata in anything filed with the court.

R. Appendices

Effective January 1, 2015, all appendices accompanying briefs must be filed electronically. In addition, a single paper copy of the appendix (an exact replica of the electronic version) must be received in the clerk's office within two business days of the electronic submission. Appendices must be in searchable (i.e. native) PDF format, and must be bookmarked. The first volume of each appendix must include a certificate of service and additional certifications as outlined previously in Section II (I). See Section III (7) below for additional information.

III. CM/ECF Document Filing and Information Checklist**

1. Case Initiating Documents

- ☐ Parties are not permitted to initiate appeals via ECF.
- ☐ The clerk's office will open all appeals upon receipt of materials forwarded from the district courts, and will notify parties of the case opening via a Notice of Docket Activity or US Mail if no email address is on file.
- ☐ Original proceedings such as petitions for permission to appeal, applications for enforcement, petitions for mandamus/prohibition, petitions for successive habeas corpus and the like, may be submitted via ECF (see instructions on page 78). Alternatively, parties may file the original petition/application in paper form with the clerk's office OR email it to the Clerk in native PDF format (email address is: 10th_Circuit_Clerk@ca10.uscourts.gov). The clerk's office will open the matter and will notify all parties.

2. Notice Of Appeal

- ☐ Notices of Appeal should be filed electronically in the district court.
- ☐ The clerk's office will open all appeals upon receipt of materials forwarded from the district courts, and will notify parties of the case opening via a Notice of Docket Activity or US Mail if no email address is on file.

3. Preliminary Documents

- ☐ Required preliminary documents include the entry of appearance, docketing statement, transcript order form, and designation of record.
- ☐ These pleadings must be filed electronically in the court of appeals via ECF.
- ☐ Pleadings must be filed in native PDF and must meet the size requirements of the system.
- ☐ Attachments should be filed as part of the ECF docket event/option for the particular pleading, using the "attach additional forms" feature.

** The court's former General Order dated March 18, 2009, has been fully incorporated into this manual and is no longer an active Order. For convenience, however, a copy has also been included at the end of the manual.

- ☐ Attachments available in native PDF should be included in the same file as the pleading (unless size restrictions are implicated–please see below).
- ☐ Attachments may be submitted as additional files if they are in a non-searchable format or if size limitations prevent inclusion with the primary pleading.
- ☐ Parties do not need to submit any hard copies of preliminary documents.

4. Motions, Responses, Replies

- ☐ These pleadings are filed electronically in the court of appeals via ECF.
- ☐ They must be filed in native PDF and must meet the size requirements of the system.
- ☐ Attachments should be filed as part of the "Motion Filed" or "Response/Reply" events/options, using the "attach additional forms" feature.
- ☐ Attachments available in native PDF should be included in the same file as the primary pleading.
- ☐ Attachments may be submitted as additional files if they are in non-searchable format or if size limitations prevent their inclusion.
- ☐ Parties do not need to submit paper copies of motions, responses or replies.

5. Briefs

- ☐ Briefs must be filed electronically in the court of appeals via ECF.
- ☐ Briefs must be filed in native PDF format and must meet the size requirements of the system.
- ☐ Briefs may contain hyperlinks to documents *already on the docket* or to *attachments to the brief* being filed. Consequently, if you plan on hyperlinking to an appendix, you must first file the appendix using the court's ECF system. Once the appendix is filed, you may then create hyperlinks in your brief to the docketed appendix volumes. *See* this Manual, Part IV, Section H for instructions on creating hyperlinks.
- ☐ If you have insufficient time to create hyperlinks to the appendix at the time of the original electronic filing, you may, by motion, request leave to file a substitute hyperlinked brief. Any motion in this regard must be filed via ECF within 7 days of the original electronic filing of the brief. Submission of a substitute hyperlinked brief does not toll or otherwise impact any other filing deadlines.
- ☐ Attachments to briefs should be submitted as follows:

    - ☐ Attachments available in native PDF should be included in the same PDF file as the brief.

- ◻ Attachments which are not available in native PDF, and which must be scanned, may be submitted as a separate PDF file. Attachments may also be submitted in a separate file if the size limitations of the system require separate submission.

☐ All filers must also submit to the clerk's office seven paper copies of the brief, in the exact form in which it was filed via ECF. Those hard copies must be *received* in the clerk's office within two business days of the ECF filing.

6. Sealed Briefs
(Sealed filings other than briefs are referenced in paragraph 9 below.)

☐ Sealed briefs must be filed electronically in the court of appeals via ECF using the appropriate "Sealed Brief Filed" event. The failure to use a "sealed" event category will result in a public submission.

☐ Sealed briefs must be filed in native PDF format and must meet the size requirements of the system.

☐ Briefs may contain hyperlinks to documents *already on the docket* or to *attachments to the brief* being filed. Consequently, if you plan on hyperlinking to an appendix, you must first file the appendix using the court's ECF system. Once the appendix is filed, you may then create hyperlinks in your brief to the docketed appendix volumes. *See* this Manual, Part IV, Section H for instructions on creating hyperlinks.

☐ If you have insufficient time to create hyperlinks to the appendix at the time of the original electronic filing, you may, by motion, request leave to file a substitute hyperlinked brief. Any motion in this regard must be filed via ECF within 7 days of the original electronic filing of the brief. Submission of a substitute hyperlinked brief does not toll or otherwise impact any other filing deadlines.

☐ Attachments to sealed briefs should be submitted as follows:

- ◻ Attachments available in native PDF should be included in the same PDF file as the brief

- ◻ Attachments which are not available in native PDF, and which must be scanned, may be submitted as a separate PDF file. Attachments may also be submitted in a separate file if the size limitations of the system require separate submission.

☐ All filers must also submit to the clerk's office seven paper copies of the

brief, in the exact form in which it was filed via ECF. Those hard copies must be *received* in the clerk's office within two business days of the ECF filing.

- ☐ Parties seeking to submit a motion to seal the brief simultaneously with the brief should use the appropriate "sealed" event/option even if the motion is not submitted as sealed.

7. Appendices

- ☐ Appendices filed per Federal Rules of Appellate Procedure 10 and 30 and 10th Circuit Rules 9.2(B), 10 and 30 must be filed electronically via ECF. Hyperlinks are optional, but if they are used parties should note that for technical reasons only materials already on the docket may be hyperlinked. Consequently, in order to create hyperlinks in a brief all volumes of the appendix must already be on the CM docket.
- ☐ Parties are required to use native (i.e., searchable) PDFs in the electronic appendix, and to bookmark each volume accordingly. Parties may use the district court's "Create Appendix" option to assemble an appendix using the PDF files from that court. Using this option will automatically create bookmarks in the appendix. It may be necessary to edit the bookmarks to correctly describe the pleadings. See User's Manual Part IV, Section J for details on using the "Create Appendix" option.
- ☐ Parties must compile any sealed materials required for the appendix in a separate PDF.
- ☐ Parties must include a certificate of service and certificates of compliance, privacy redaction, virus scan, and hard copy in the first volume of the appendix (see section II (I) for specifics on the required certifications).
- ☐ A paper copy of the appendix, which is an **exact replica** of the electronic filing, must be submitted to the court of appeals clerk's office.
- ☐ If the filing is an appendix due at the time a brief is filed, the paper copy must be *received* in the court of appeals within two business days of the ECF filing.

8. Supplemental Authorities, Status Reports, Memoranda, Correspondence

- ☐ These materials must be filed in the court of appeals via ECF.
- ☐ All supplemental authorities, status reports, other memoranda or correspondence must be filed in native PDF and must meet the size requirements of the system.
- ☐ Attachments to these pleadings should be filed as part of the docket

event/option, using the “attach additional forms” feature.

- ☐ Attachments which are available in native PDF should be included in the same PDF file as the original pleading.

- ☐ Attachments which are not available in native PDF, and which must be scanned, may be submitted as a separate PDF file. Attachments may also be submitted in a separate file if the size limitations of the system require separate submission.

☐ Parties do not need to submit paper copies of supplemental authorities, status reports, memoranda or correspondence.

9. Sealed Materials with the Exception of Briefs
(See paragraph 6 above for information on filing sealed briefs via ECF.)

☐ Sealed materials must be filed electronically in the court of appeals via ECF using the appropriate “Sealed Pleadings” event/option. Failure to use a “sealed” event category will result in a public submission.

☐ Sealed pleadings must be filed in native PDF and must meet the size requirements of the system.

☐ Attachments to sealed pleadings and materials should be filed as part of the docket event/option, using the “attach additional forms” feature. In particular, please note:

- ☐ Attachments available in native PDF should be included in the same PDF file as the original pleading.

- ☐ Attachments which are not available in native PDF, and which must be scanned, may be submitted as a separate PDF file. Attachments may also be submitted in a separate file if the size limitations of the system require separate submission.

☐ Parties do not need to submit paper copies of sealed materials other than briefs.

☐ Parties seeking to submit a motion to seal the pleading simultaneously with the pleading itself should use the appropriate “sealed” event/option even if the motion is not submitted as sealed. For example, parties may use the ECF event/option “Sealed Motion Filed” and can include the pleading to be sealed as an attachment.

10. Oral Argument Acknowledgment Forms & Custody Status Questionnaires

- ☐ Oral argument and custody status materials must be filed electronically in the court of appeals via ECF.
- ☐ These materials must be filed in native PDF and must meet the size requirements of the system.
- ☐ Attachments should be filed as part of the docket event/option, using the "attach additional forms" feature.

    - ☐ Attachments available in native PDF should be included in the same PDF file as the original pleading.

    - ☐ Attachments which are not available in native PDF, and which must be scanned, may be submitted as a separate PDF file. Attachments may also be submitted in a separate file if the size limitations of the system require separate submission.

- ☐ Parties do not need to submit paper copies of oral argument and custody status materials.

11. Petitions For Rehearing and Rehearing En Banc

- ☐ Petitions For Rehearing and Petitions For Rehearing En Banc must be filed electronically in the court of appeals via ECF.
- ☐ These pleadings must be filed in native PDF and must meet the size requirements of the system.
- ☐ Attachments should be filed as part of the docket event/option, using the "attach additional forms" feature.

    - ☐ Attachments available in native PDF should be included in the same PDF file as the original pleading.

    - ☐ Attachments which are not available in native PDF, and which must be scanned, may be submitted as a separate PDF file. Attachments may also be submitted in a separate file if the size limitations of the system require separate submission.

- ☐ **Important note regarding hard copies: Parties filing petitions for *panel rehearing* only, per Fed. R. App. P. 40, do not need to submit any paper copies of the pleading. Any party requesting rehearing *en banc*, per Fed. R. App. P. 35, however, must forward to the clerk's office 12 paper**

copies of the petition, with attachments. The hard copies must be *received* in the office of the clerk within two business days of the ECF submission.

12. Bills of Cost and Objections

- ☐ Bills of Cost and objections to bills of costs must be filed electronically in the court of appeals via ECF.
- ☐ These pleadings must be filed in native PDF and must meet the size requirements of the system.
- ☐ Attachments should be filed as part of the docket event/option, using the "attach additional forms" feature.

    - ☐ Attachments available in native PDF should be included in the same PDF file as the original pleading.

    - ☐ Attachments which are not available in native PDF, and which must be scanned, may be submitted as a separate PDF file. Attachments may also be submitted in a separate file if the size limitations of the system require separate submission.

- ☐ Parties do not need to submit hard copies of bills of costs or objections to bills of costs.

13. Criminal Justice Act Vouchers

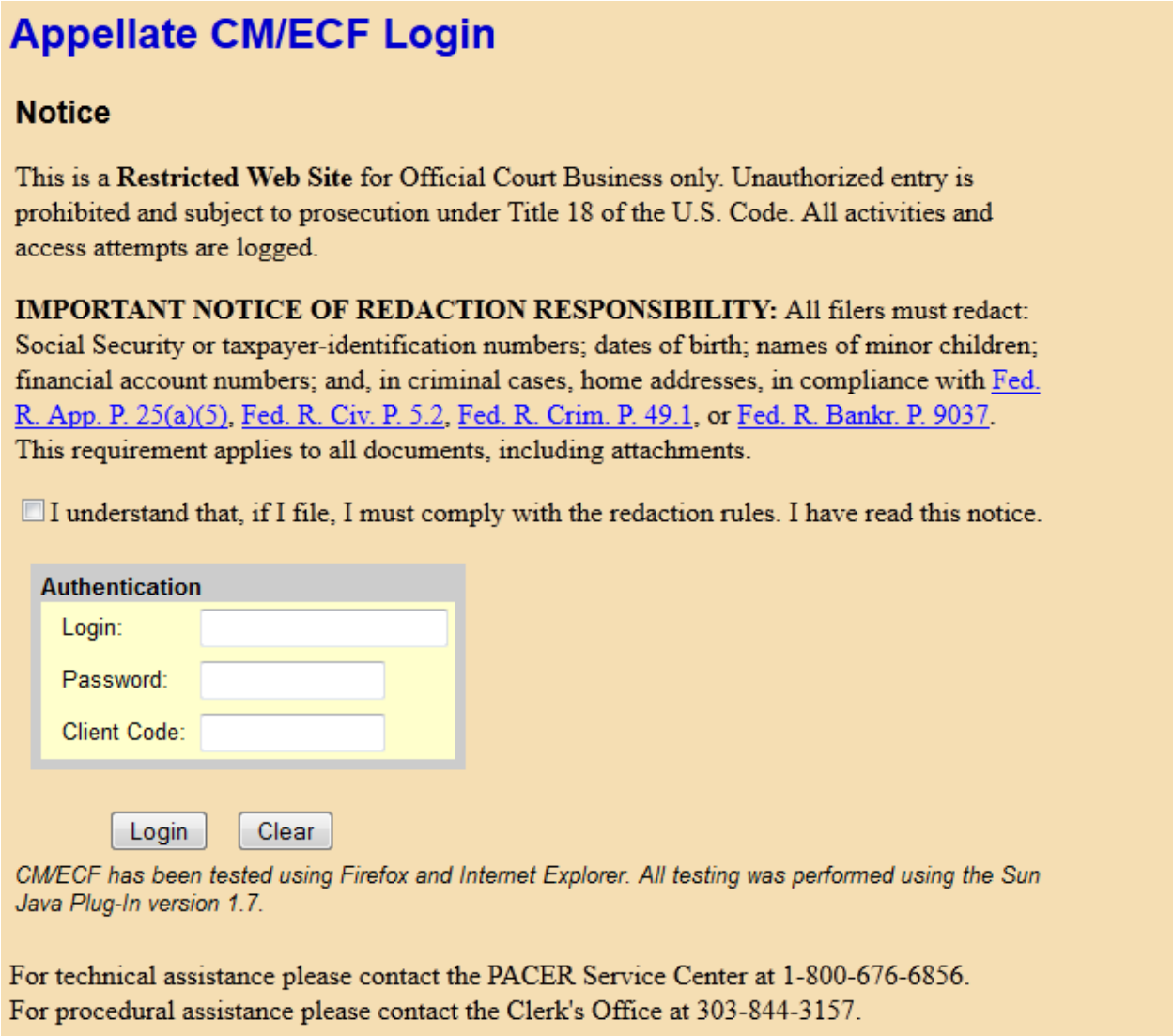
- ☐ Parties seeking information on submitting Criminal Justice Act vouchers should review the forms and procedures available on the court's website at www.ca10.uscourts.gov/clerk/rulesandforms.php. Specifically, counsel should go to the "CJA Forms and Links" section**.**

14. Ex Parte Pleadings

- ☐ Parties may not file ex parte materials via ECF.
- ☐ If it is necessary to file a pleading ex parte, counsel should submit the pleading in native PDF format via email to the clerk's office. The proper email address is: 10th_Circuit_Clerk@ca10.uscourts.gov). The clerk's office will docket and then process the pleading.

IV. HOW TO USE THE CM/ECF SYSTEM-
EXAMPLES AND STEP-BY-STEP GUIDE

As mentioned previously in this guide, attorneys must register as filing users of the Court's CM/ECF System in order to obtain a Login name and Password. Registration may be accomplished by visiting the Pacer web site (www.pacer.gov).



Appellate CM/ECF Login

Notice

This is a **Restricted Web Site** for Official Court Business only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses, in compliance with Fed. R. App. P. 25(a)(5), Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, or Fed. R. Bankr. P. 9037. This requirement applies to all documents, including attachments.

☐ I understand that, if I file, I must comply with the redaction rules. I have read this notice.

Authentication

Login:

Password:

Client Code:

Login Clear

CM/ECF has been tested using Firefox and Internet Explorer. All testing was performed using the Sun Java Plug-In version 1.7.

For technical assistance please contact the PACER Service Center at 1-800-676-6856.
For procedural assistance please contact the Clerk's Office at 303-844-3157.

Enter your Login name and password in the appropriate boxes on the Login screen. Make sure to click the redaction rules box. Click "Login" to proceed. Note: the 'client code' box does not need to be completed.

The Startup Page will appear.

The menu options on the top of the screen are as follows:

1. Filing- select to file in a case;
2. Reports- select to be connected to Pacer, check payment history, or access the Service Method report;
3. Utilities- select to edit/update your account information, request a certificate of good standing, or file an original proceeding;
4. Logout- select to end your session;
5. Help- select to access the courts' ECF training manual and FAQ.

Establishing Link Between ECF and PACER Accounts

After your ECF registration has been approved by the court, you will need to link your ECF account to your PACER account. This is quite important, as it will be the only way you will be able to view sealed pleadings in a case if you are counsel of record.

You will only need to do this once. To link your accounts, please do the following:

1. Log into ECF.

2. Select PACER Report from the Reports Menu.

3. The PACER login screen will appear. Enter your PACER login and password, and check the "Make this my default PACER login" box.

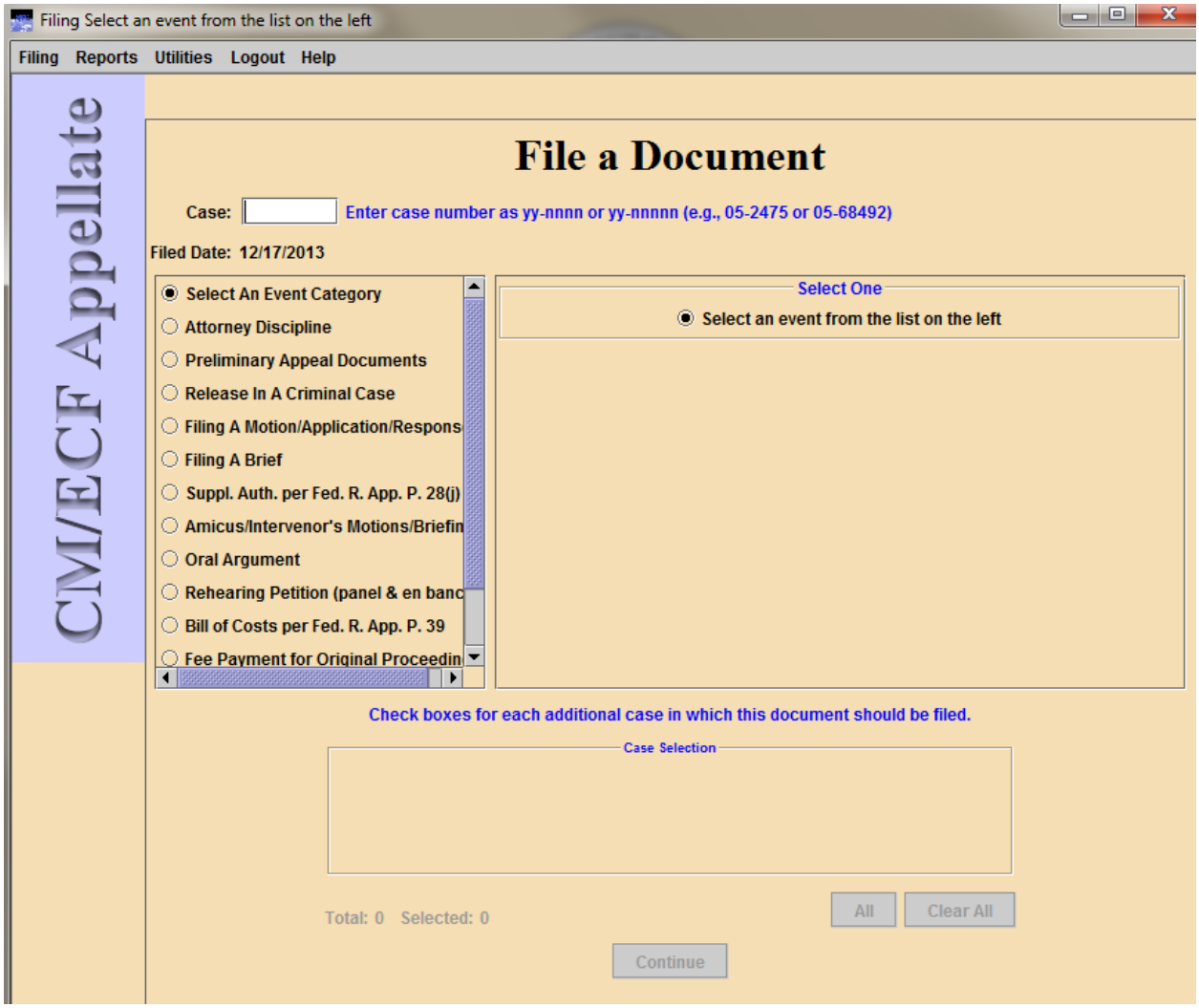
4. Click Login.

5. You will need to log out of ECF and log back in for the change to take effect.

You will now be able to access PACER from your ECF account. If you are counsel of record in a case, this is the only way you will be able to view sealed documents in the case. You will not be able to view sealed documents in your case if you access the docket via the PACER site; you must access via your ECF account. If you are with a law firm that has a single shared PACER account, you may use that shared account to link to your individual ECF account.

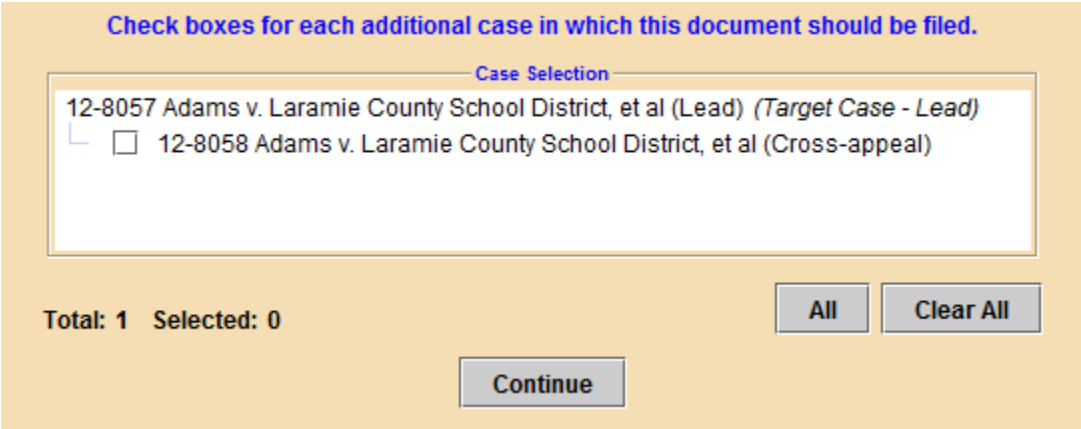
A. Docketing a Pleading in a Case- The Basics

1. Select "File a Document" from the Docketing menu at the top of the Startup Page. The following screen will appear:



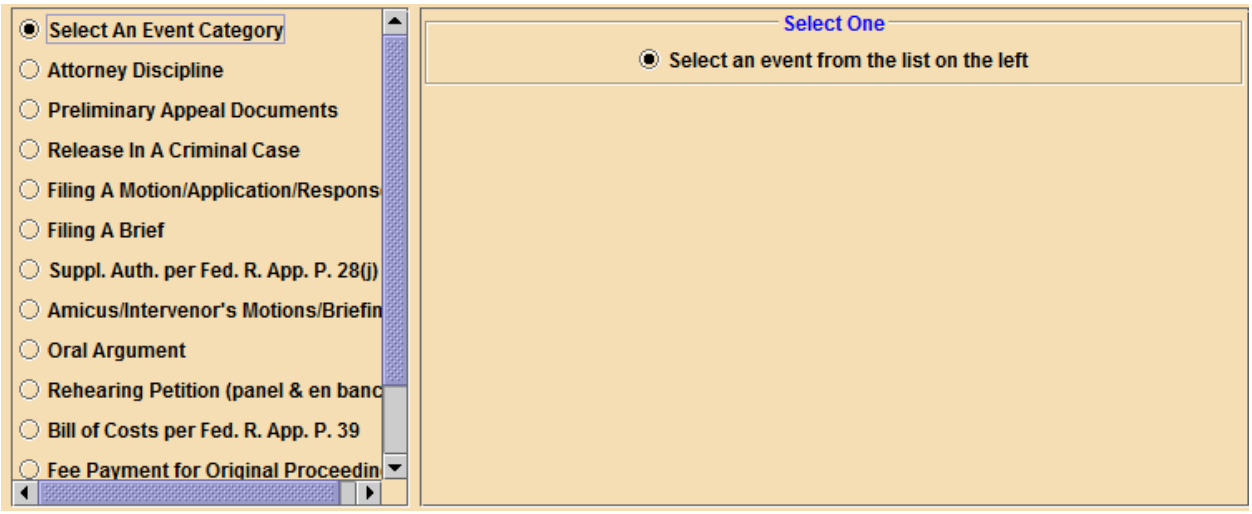
2. Enter a case number in the Case field (make sure to use the correct format– yy-nnnn– when entering the number in the field). Click "Tab" on your keyboard.

3. The case number and short title of the case will appear in the Case Selection box:

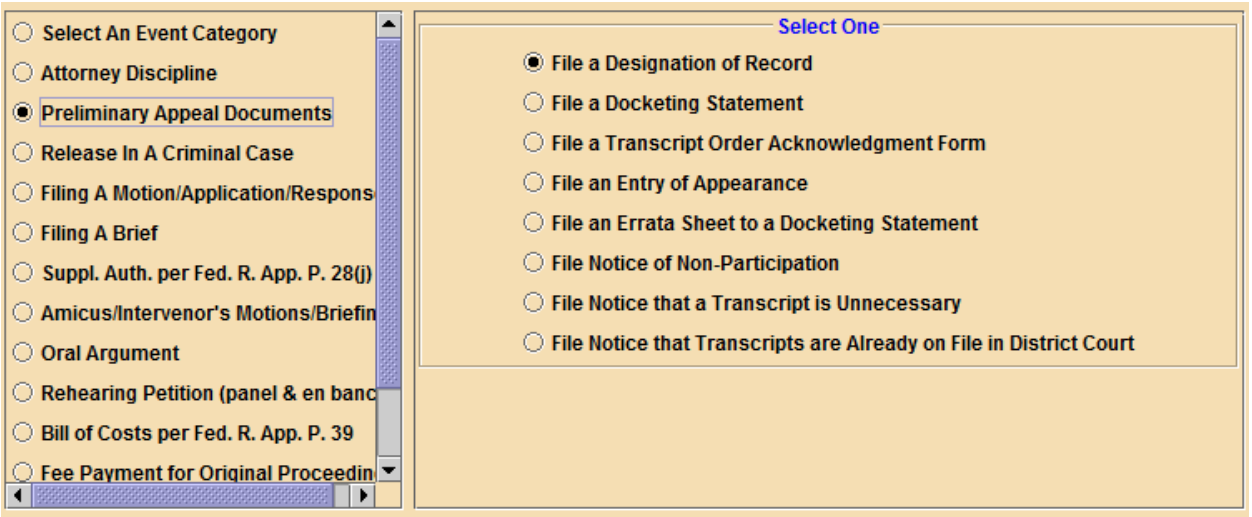


4. If a selected case has additional cases linked to it, those cases will also appear in this section. To file in more than one case (for example, filing a brief in a cross-appeal or in two consolidated cases), you must check the box next to the appropriate case number; otherwise, your filing will only appear in the case number that you entered in the Case box. Conversely, if you do not want your filing to appear in a linked case, you must uncheck the box for that case.

5. Next, you will need to select an Event Category from the menu on the left side of the screen. Selecting a category will bring up a number of docketing event options.

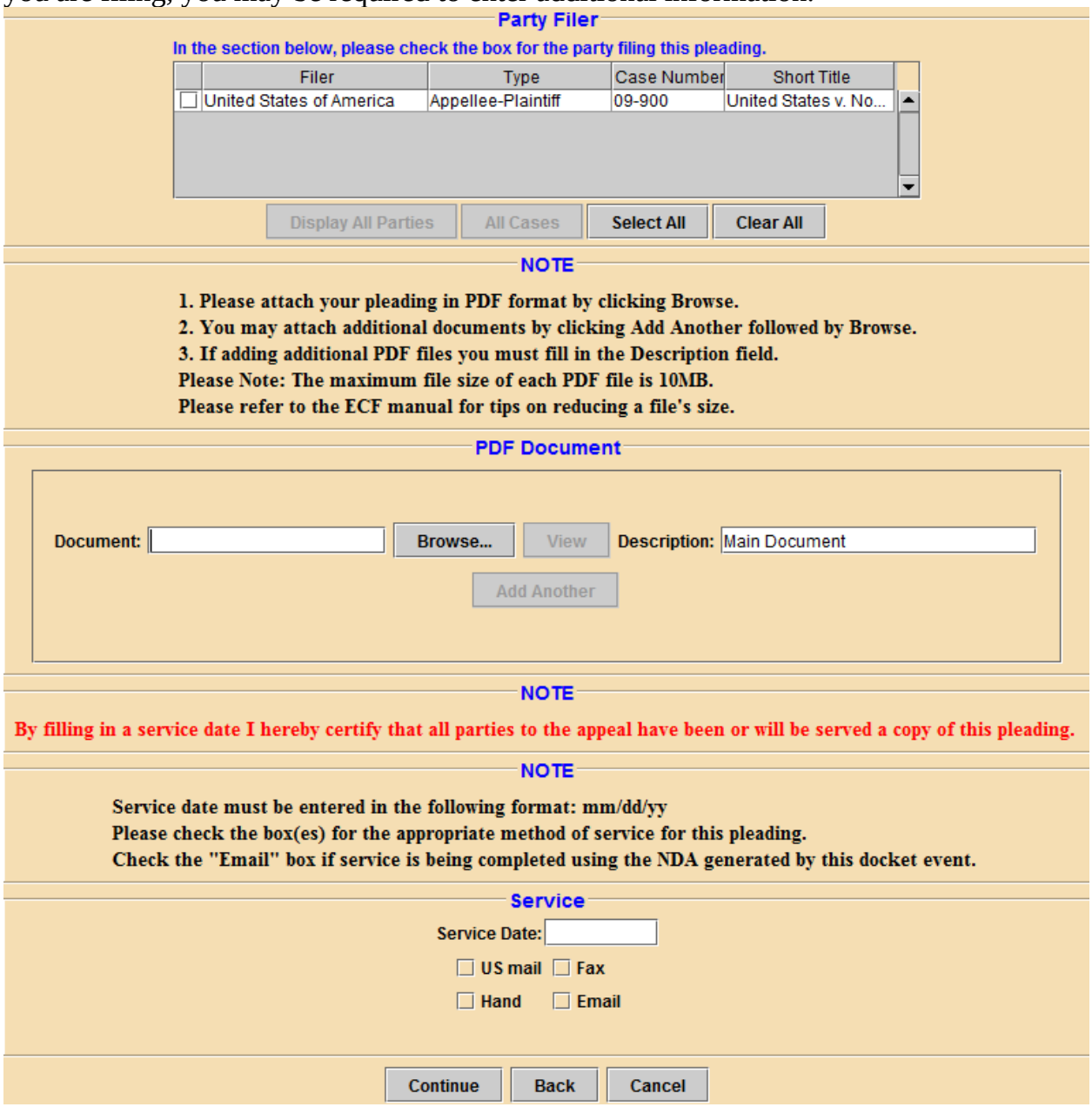


Select the corresponding event option for the pleading you wish to file:



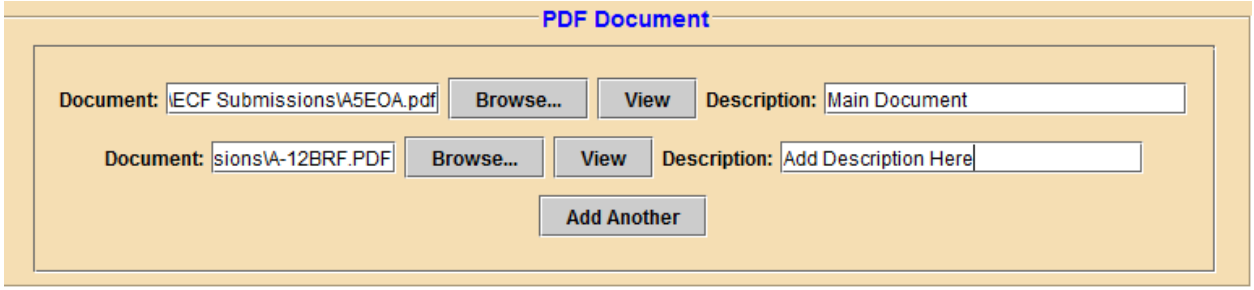
Click 'Continue' at the bottom of the screen.

6. On the next screen, you will be prompted to select the party filer, attach the PDF for the pleading, and enter the date and method of service. Depending on the type of pleading you are filing, you may be required to enter additional information.



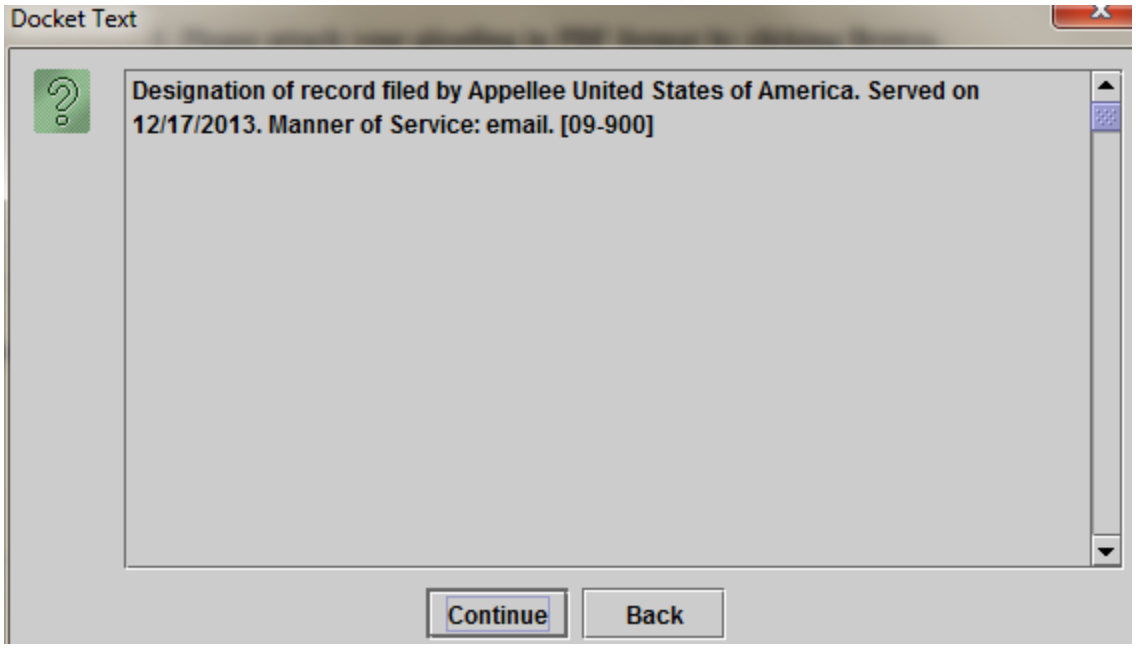
7. To attach a PDF to your entry, click the 'Browse' button in the PDF Document section on the screen. This will cause a pop-up screen to appear. Locate the appropriate PDF on your computer and select it. You may leave "Main Document" in the Description field, or you may edit to state what you are filing (for example, "Docketing Statement," "Appellant's Brief," etc.).

If you are attaching more than one PDF (for example, you have two PDFs to submit- one containing the pleading, and one containing attachments to the pleading), you will need to click the 'Add Another' button and repeat the process described above. Please note: when adding a second (and subsequent) PDF, you must fill in the Description field.

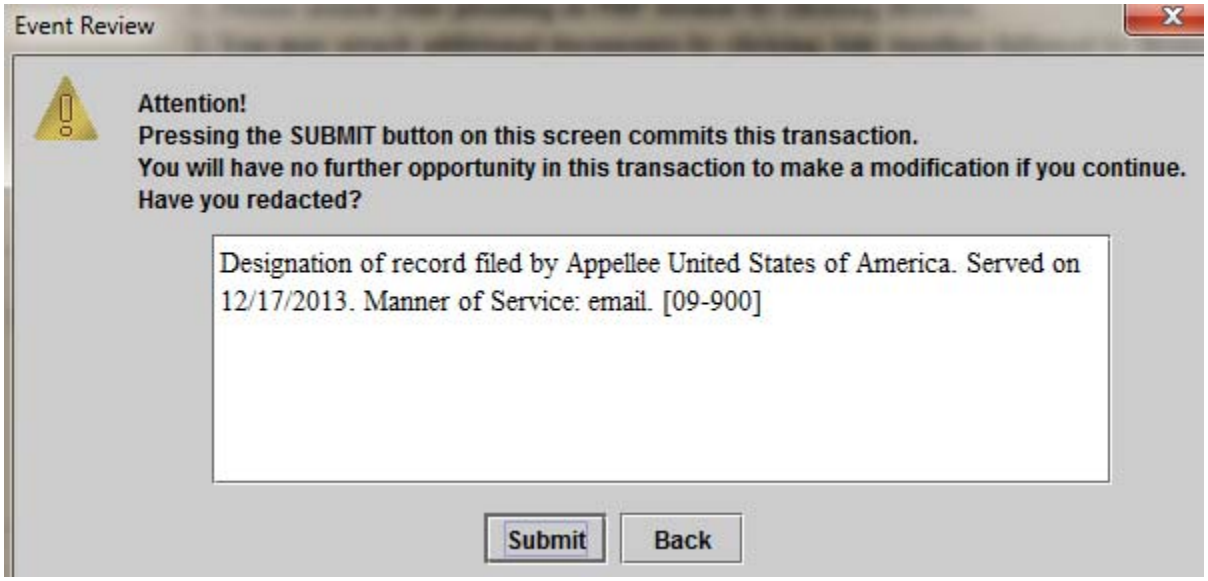


After you have completed all of the sections on the screen, click the 'Continue' button at the bottom. The 'Back' button will take you back to the previous screen. The "Cancel' button will void the transaction.

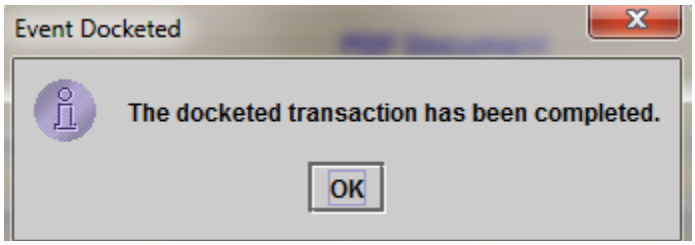
8. Next, a Docket Text pop-up window will appear. This will display how your entry will appear on the court's docket. Verify the information (pleading filed, filer name, service information, etc.) before clicking 'Continue.' If there are any errors, click the 'Back' button to go back to the prior screen and make any necessary corrections. Note- you will not be able to edit the docket text.



9. The next screen that appears is the final Event Review screen. Selecting 'Submit' completes the transaction. Select 'Back' if you have changes to make, or decide to cancel the transaction.



10. After selecting the 'Submit' button, you should see the following message:



In addition, for most transactions, the following screen will appear. This is the Notice of Docket Activity (NDA). You may close this screen after it appears.

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.**

Tenth Circuit Court of Appeals

Notice of Docket Activity

The following transaction was entered on 12/17/2013 at 11:00:48 AM MST and filed on 12/17/2013

Case Name: United States v. Nogoodnik
Case Number: 09-900
Document(s): Document(s)

Docket Text:
[10133992] Designation of record filed by Appellee United States of America. Served on 12/17/2013. Manner of Service: email. [09-900] JT

Notice will be electronically mailed to:

Joe Tester: kevin_schwalbe@ca10.uscourts.gov
John Eresattorney: kevin_schwalbe@ca10.uscourts.gov, greg_heerdt@ca10.uscourts.gov
Peter Tester: kevin_schwalbe@ca10.uscourts.gov
Mork Tester: kevin_schwalbe@ca10.uscourts.gov

Notice will not be electronically mailed to the following as the Court does not have a valid email address on file. If appropriate, notice will be delivered by other means to:

Mr. Test attorney 1
PF Testattorney1 Office
PF Testattorney1 Unit
PF Testattorney1 Address
PF Testattorney1 Suite
Testattorney1 City, 11111-1111

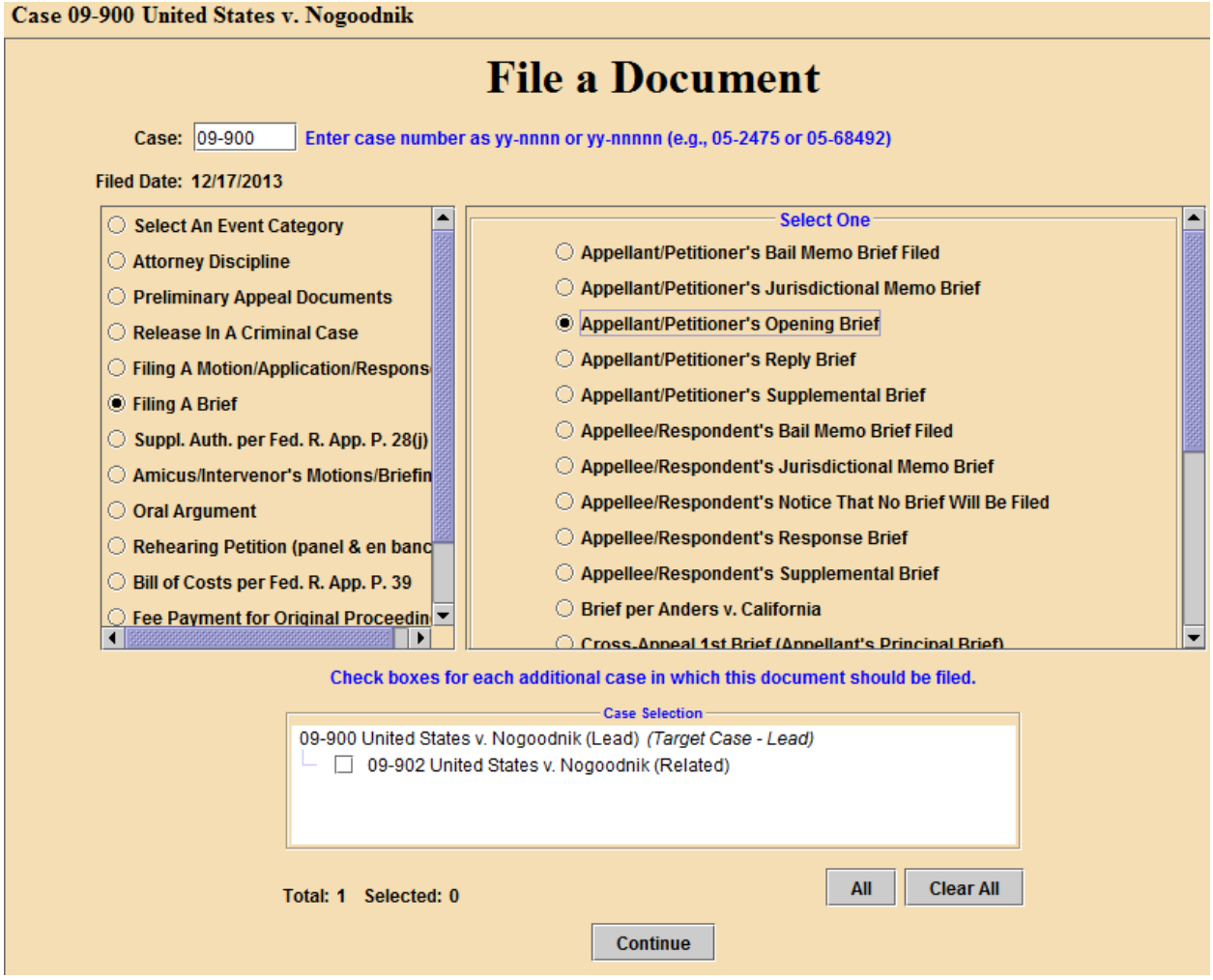
The following document(s) are associated with this transaction:
Document Description: Main Document
Original Filename: A5EOA.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1104938855 [Date=12/17/2013] [FileNumber=10133992-0]

Don't forget to logout if you are finished!

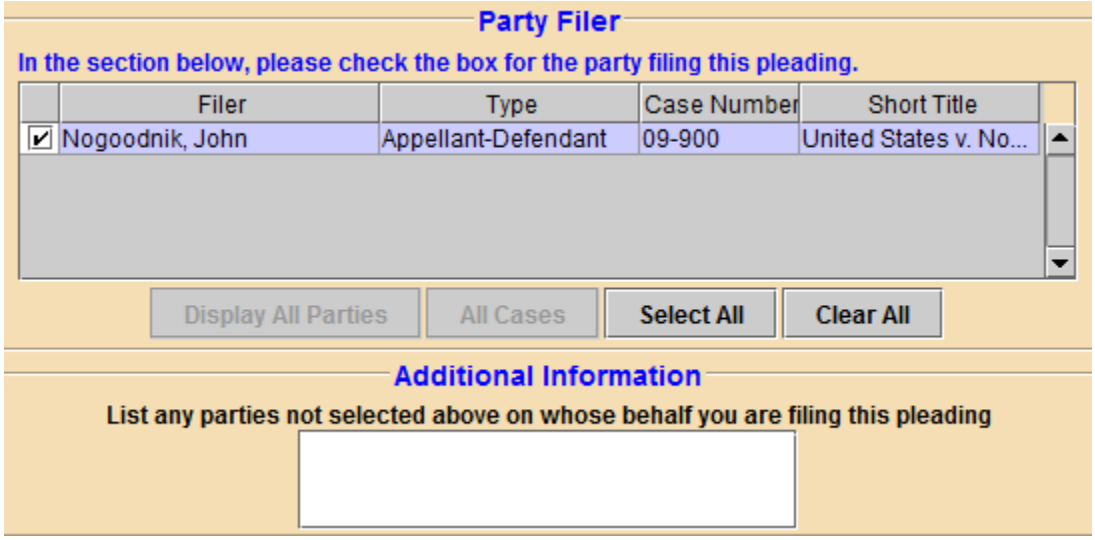
B. Filing a Brief

1. Select the "Filing A Brief" category from the left side of the main screen. Select the type of brief you are filing from the menu that appears on the right side of the main screen. If your brief needs to be filed in more than one case (for example, a cross-appeal brief), select the additional cases in the Case Selection box. Click 'Continue.'

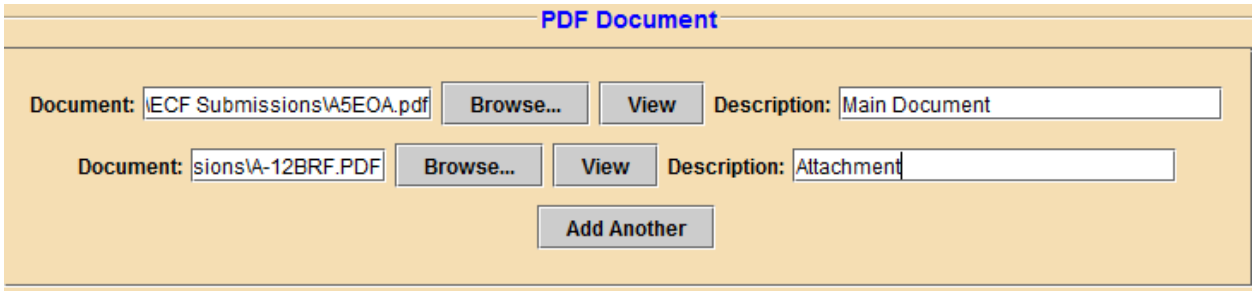
In this example, we will file appellant's opening brief.



2. Select the party filer(s) in the top box. If you represent more than one party, make sure that all of your parties are selected. If a party you represent does not appear in the top box, add the party's name in the text box immediately beneath this section.



Attach the PDF containing your brief. If your brief has an attachment, use the 'Add Another' button to attach that PDF. Complete the Description field for the attachment.



Enter the number of paper copies of the brief that will be submitted to the clerk's office (note: seven paper copies of all briefs must be submitted to the court within two business days of electronic filing of the brief).

If filing a merits brief, you will need to indicate whether you are requesting oral argument from the Oral Argument drop-down menu.

Complete the Service section by entering the date of service of the brief in the Service Date box, and selecting the appropriate boxes in the Service field indicating who was served and by what method (if relying on ECF for service, select Email). Click 'Continue.'

NOTE

Appendices should be submitted in hard copy format only, in conjunction with the hard copies of the brief.

Additional Information

Number of paper copies of brief filed with the court within 2 business days:

7

Additional Information

Is Oral Argument Requested? (enter Yes or No)

No

NOTE

By filling in a service date I hereby certify that all parties to the appeal have been or will be served a copy of this pleading.

NOTE

Service date must be entered in the following format: mm/dd/yy.
Please check the box next to all parties being served and check the box(es) showing the method of service for this pleading.
Check the "Email" box if service is being completed using the NDA generated by this docket event.
If service is not required, click Continue.

Service

Service Date: 12/17/2013

Service

☐	Name	Originate/Party Type	US m...	Fax	Hand	Email
☑	Test attorney 1, aty	Appellee	☐	☐	☐	☑
☑	Tester, Joe, aty	Appellee	☐	☐	☐	☑
☑	Tester, Peter, aty	Intervenor	☐	☐	☐	☑

Display All

Reset

Continue Back Cancel

3. Read the statements regarding privacy redactions, exact copies submitted, and scanning for viruses. You will need to certify by selecting from the drop down menu that you have acknowledged the previous statements.

Appellant/Petitioner's Opening Brief/-/-

NOTE

Pleadings filed with the 10th Circuit must include separate certifications that:

(1) all required privacy redactions have been made (see 10th Cir. R. 25.5),

(2) any required paper copies to be submitted to the court are exact copies of the version submitted electronically (see ECF User Manual, Section II, Policies and Procedures for Filing Via ECF, Part I(b), pages 11-12) and,

(3) the electronic submission was scanned for viruses with the most recent version of a commercial virus scanning program, and is free of viruses (see ECF User Manual, Section II, Policies and Procedures for Filing Via ECF, Part I(b), pages 11-12).

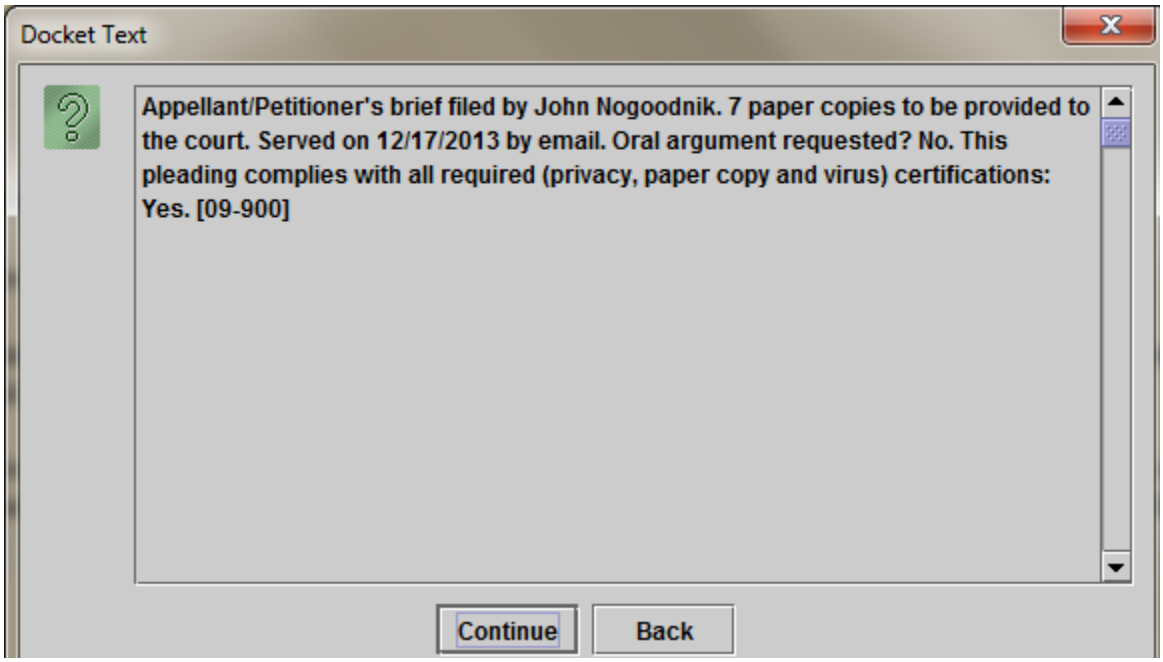
Additional Information

I certify that the above certifications have been included for this pleading.

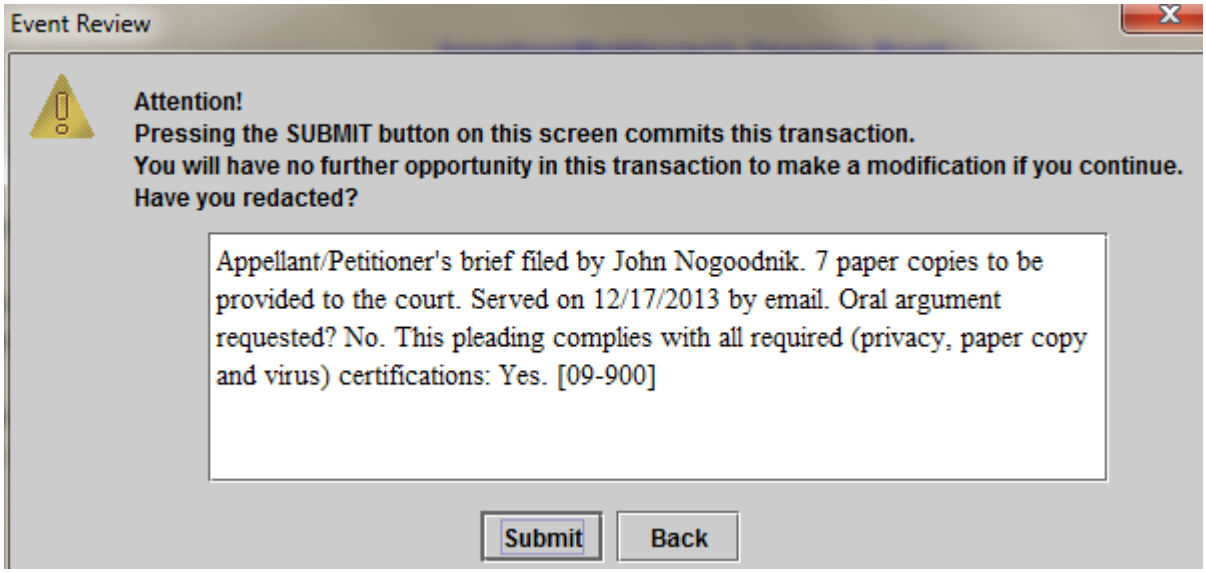
Yes

Continue Back Cancel

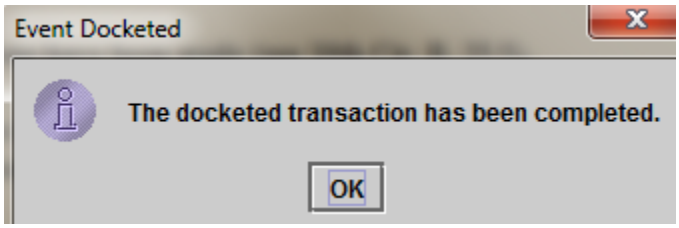
4. Verify in the Docket Text pop-up window that you have selected the correct Brief event, that the party(ies) you represent is/are listed here, and that the service date and method of service are correct. If so, click 'Continue;' if not, click 'Back' to return to the previous screen to make corrections.



4. The next screen that appears is the final Event Review screen. Selecting 'Submit' completes the transaction. Select 'Back' if you have changes to make, or decide to cancel the transaction.



5. If successful, you will see this message:

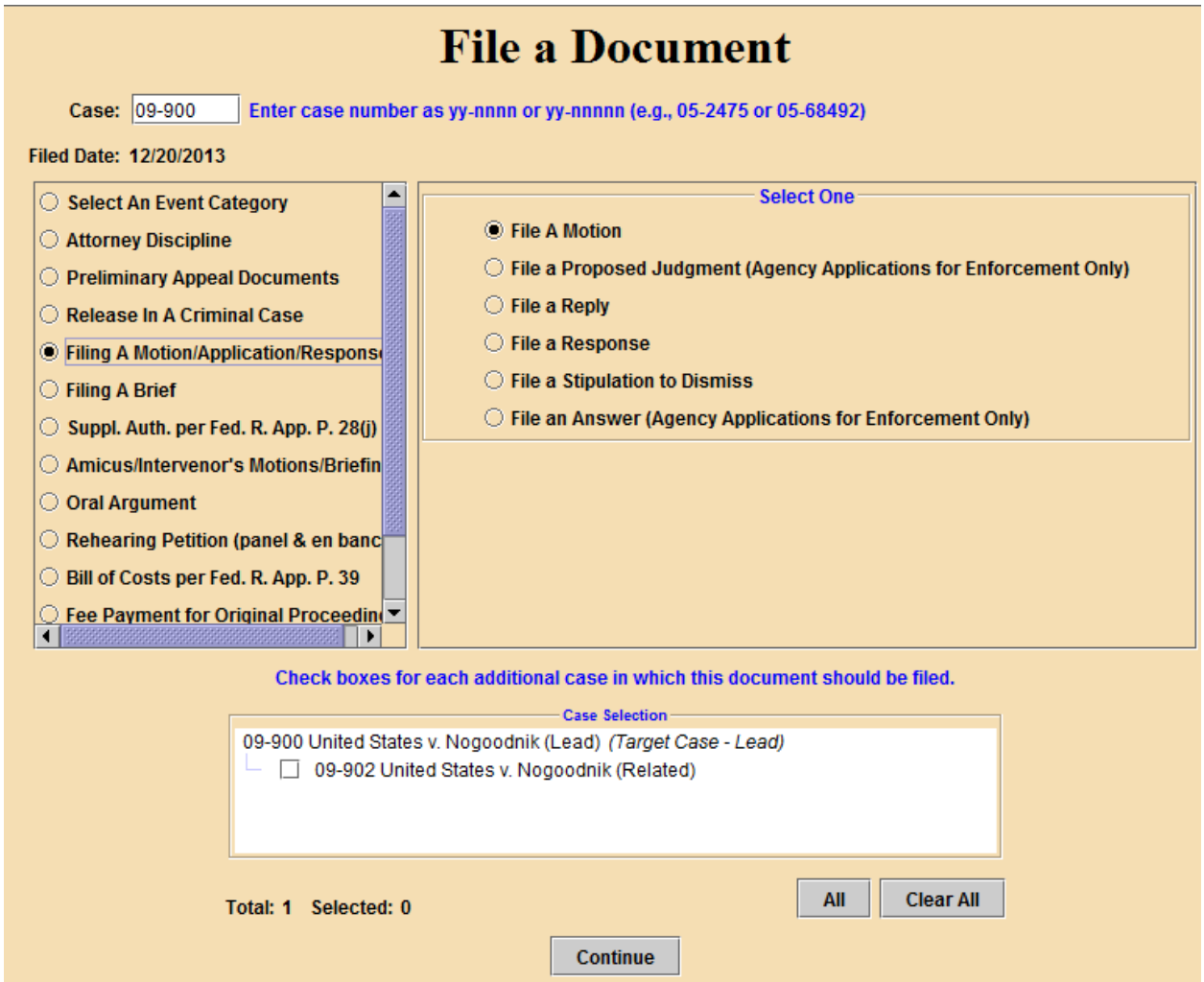


6. Click ‘OK’ and the Notice of Docket Activity will appear. You may close this screen after it appears.

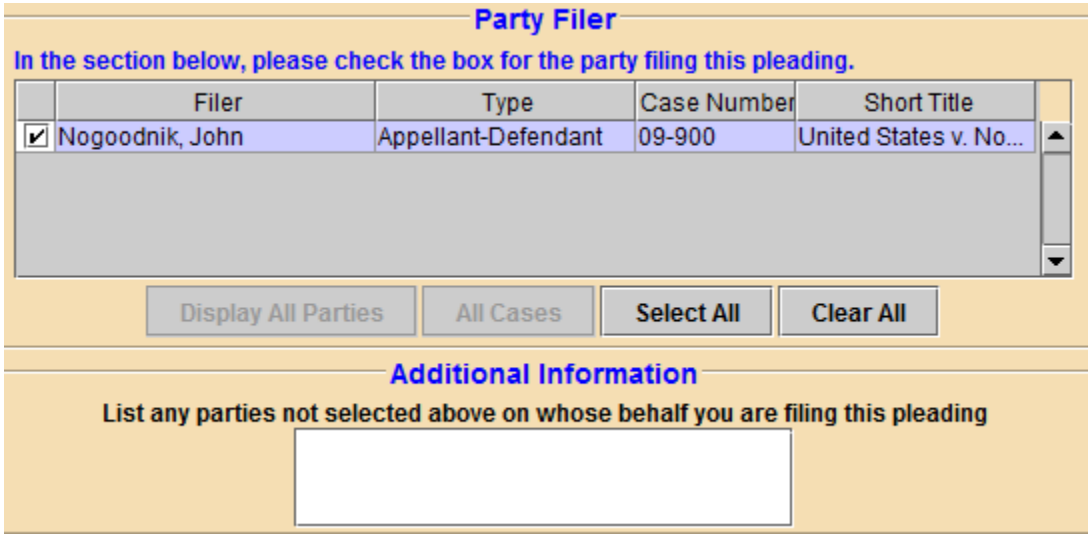
C. Filing a Motion

1. Select the "Filing A Motion Or Response" category from the left side of the main screen. Select "File A Motion" from the menu that appears on the right side of the main screen. If your motion needs to be filed in more than one case (for example, a cross-appeal), select the additional cases in the Case Selection box. Click 'Continue.'

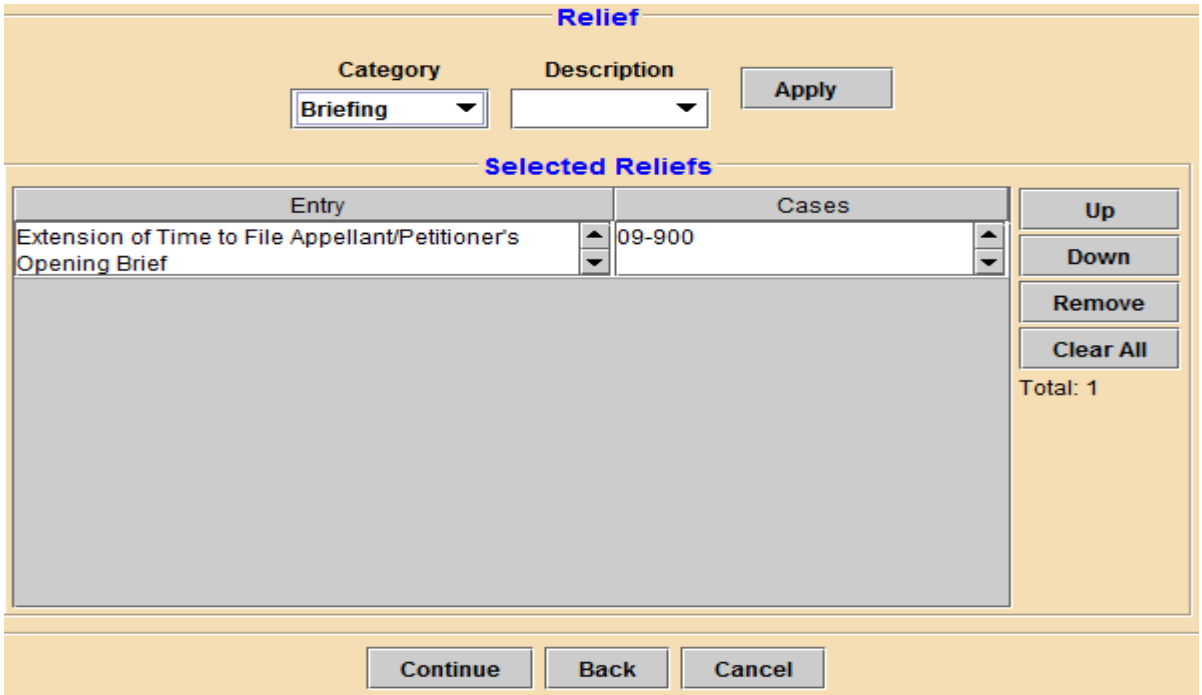
In this example, we will file appellant's motion for extension of time to file appellant's brief.



2. Select the party filer(s) in the top box. If you represent more than one party, make sure that all of your parties are selected. If a party you represent does not appear in the top box, add the party's name in the text box immediately beneath this section.



3. Next, you will need to select at least one relief (i.e., what you are requesting in your motion) from the Description drop-down menu. You may use the Category drop-down menu to narrow the list of Descriptions. Once you locate the most accurate description for what you are requesting in your motion, select it and click 'Apply.' Your selection will appear in the Selected Reliefs section.



If you are requesting more than one relief in your motion, you will need to repeat the Relief selection process as described above. Click 'Continue' when done.

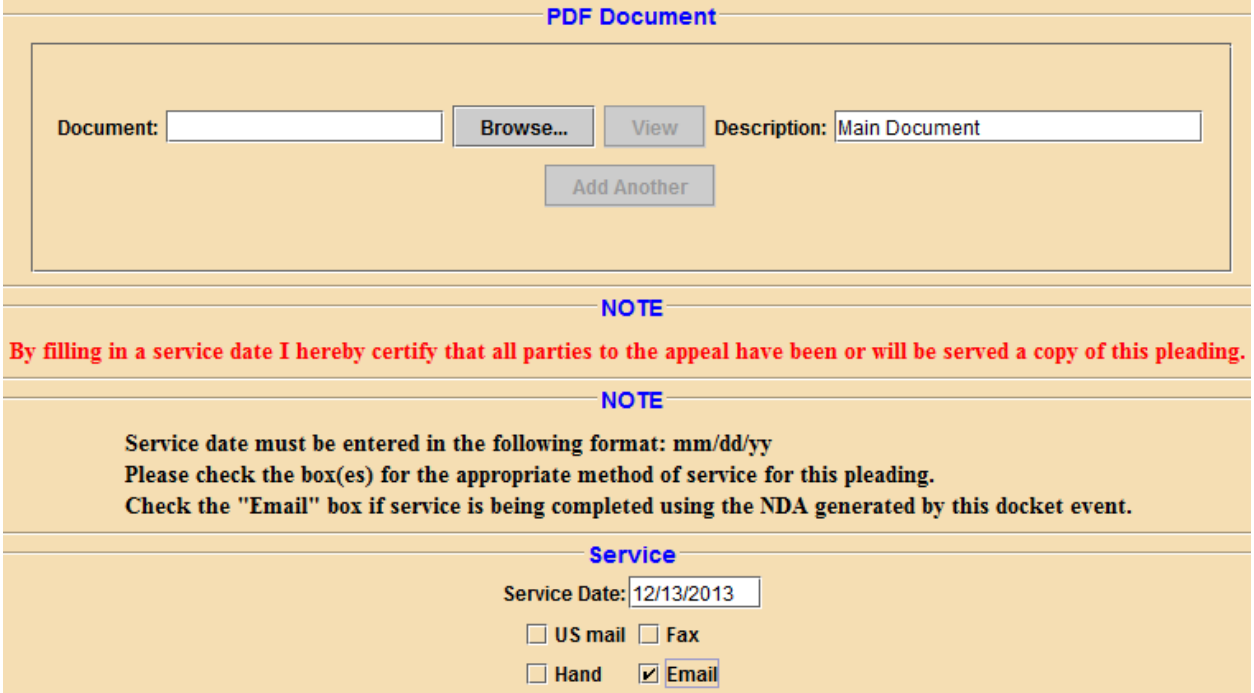
The Selected Reliefs section has four tabs on the right side of the menu:

a. Up/Down: when more than one relief is selected, the order of the reliefs may be changed using these tabs. To move a relief up/down in the list, select the relief, followed by the Up or Down tab.

b. Remove: to remove a selected relief; select the relief you wish to remove from this section, followed by the Remove tab.

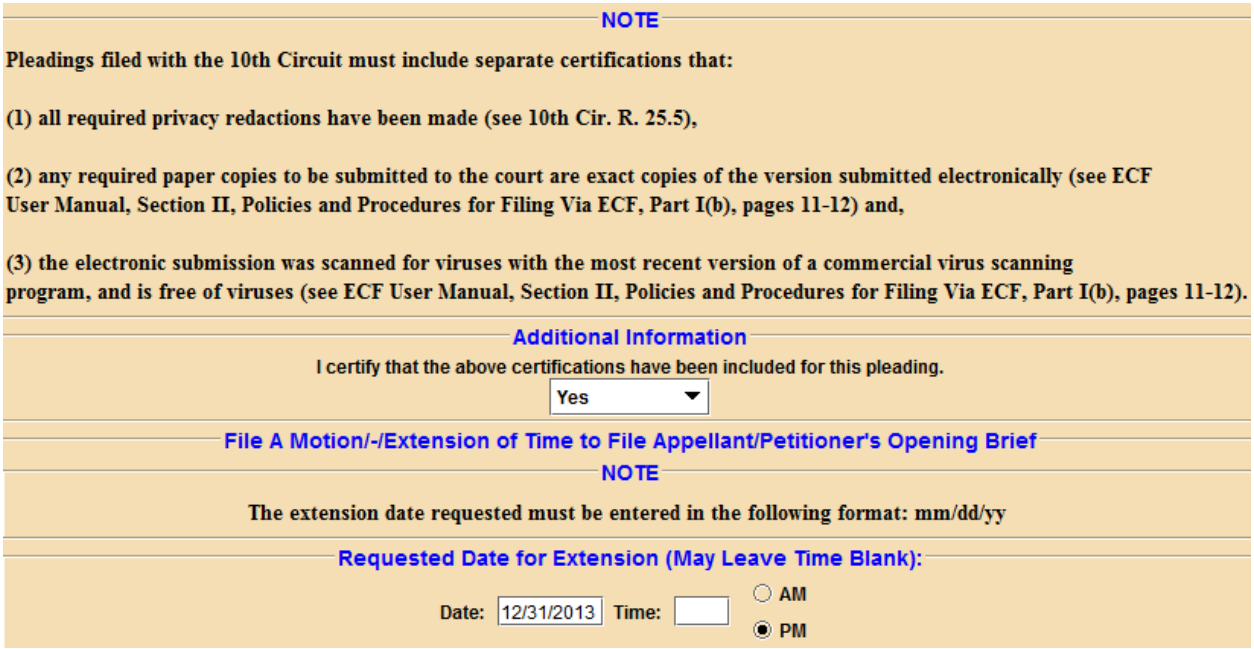
c. Clear All: will remove all selected reliefs.

4. Attach the PDF containing your motion. If your motion has an attachment, use the 'Add Another' button to attach that PDF. Complete the Description field for the attachment.



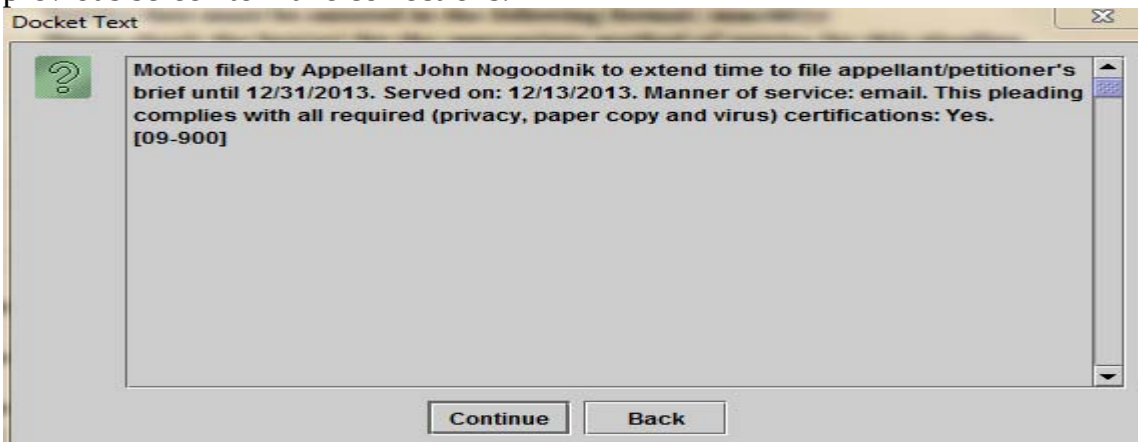
5. Complete the Service section by entering the date of service of the motion in the Service Date box, and selecting the appropriate box in the Service field method of service (if relying on ECF for service, select 'Email').

6. Read the statements regarding privacy redactions, exact copies submitted, and scanning for viruses. You will need to certify by selecting from the drop down menu that you have acknowledged the previous statements. Depending on the relief(s) you are requesting, you may have additional fields to complete. In this example, the requested date for the briefing extension must be given.

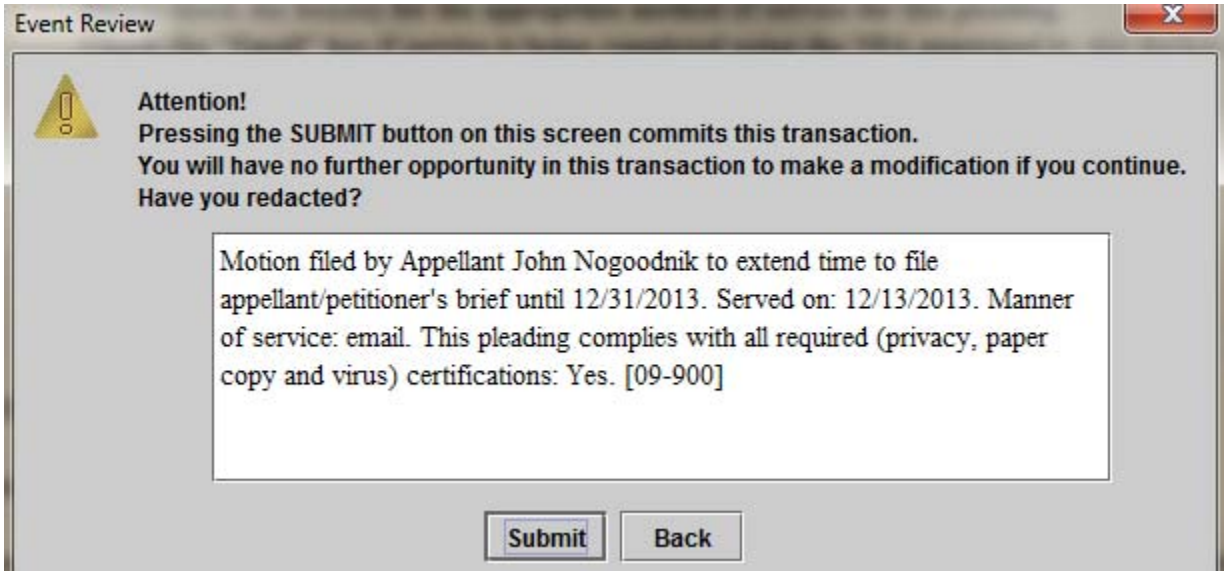


Click 'Continue' when finished with this screen.

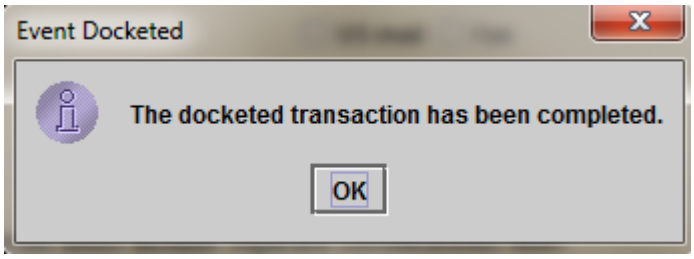
7. Verify in the Docket Text pop-up window that you have selected the correct event and relief, that the party(ies) you represent is/are listed here, and that the service date and method of service are correct. If so, click 'Continue;' if not, click 'Back' to return to the previous screen to make corrections.



8. The next screen that appears is the final Event Review screen. Selecting 'Submit' completes the transaction. Select 'Back' if you have changes to make, or decide to cancel the transaction.



9. If successful, you will see this message:

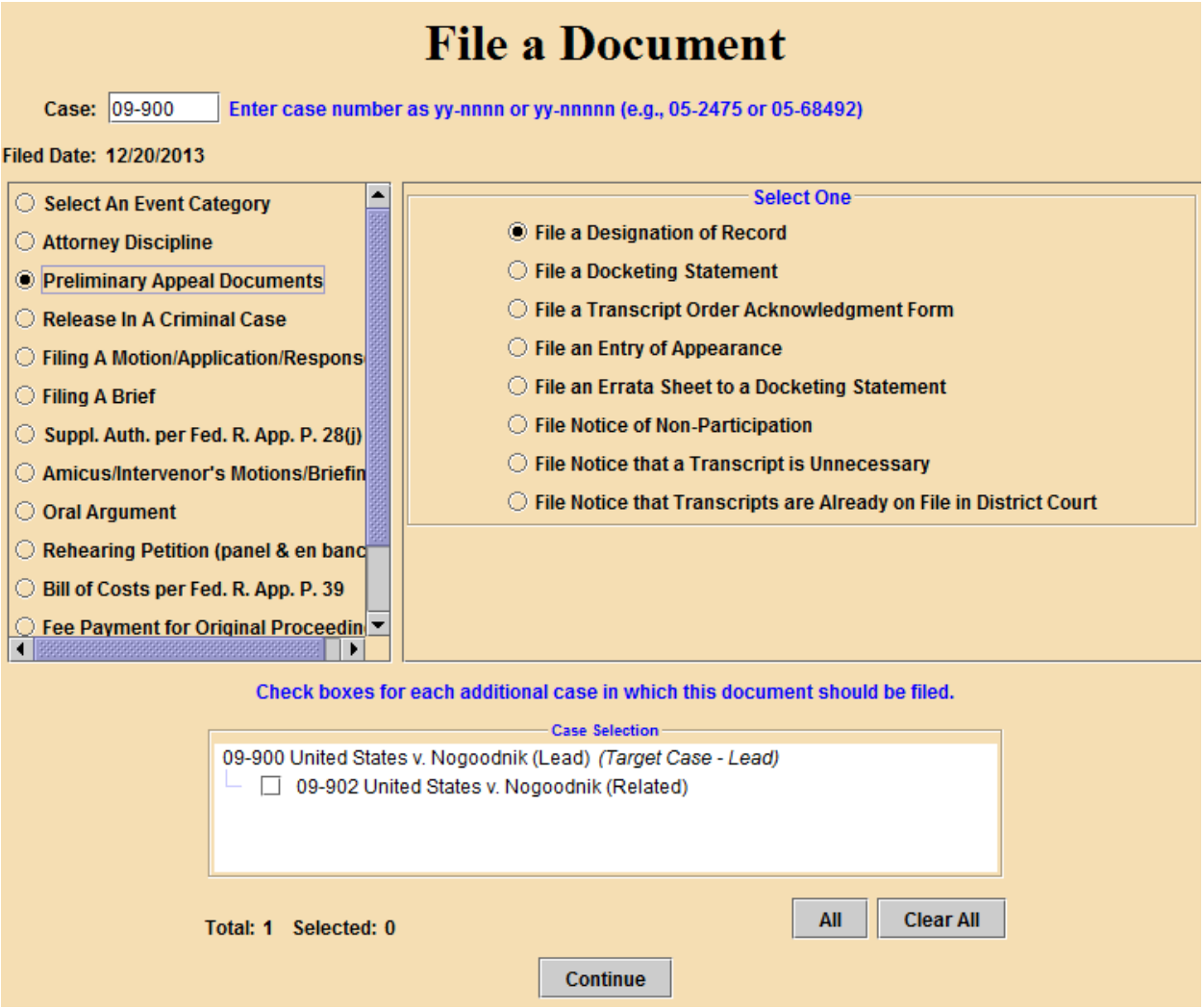


10. Click 'OK' and the Notice of Docket Activity will appear. You may close this screen after it appears.

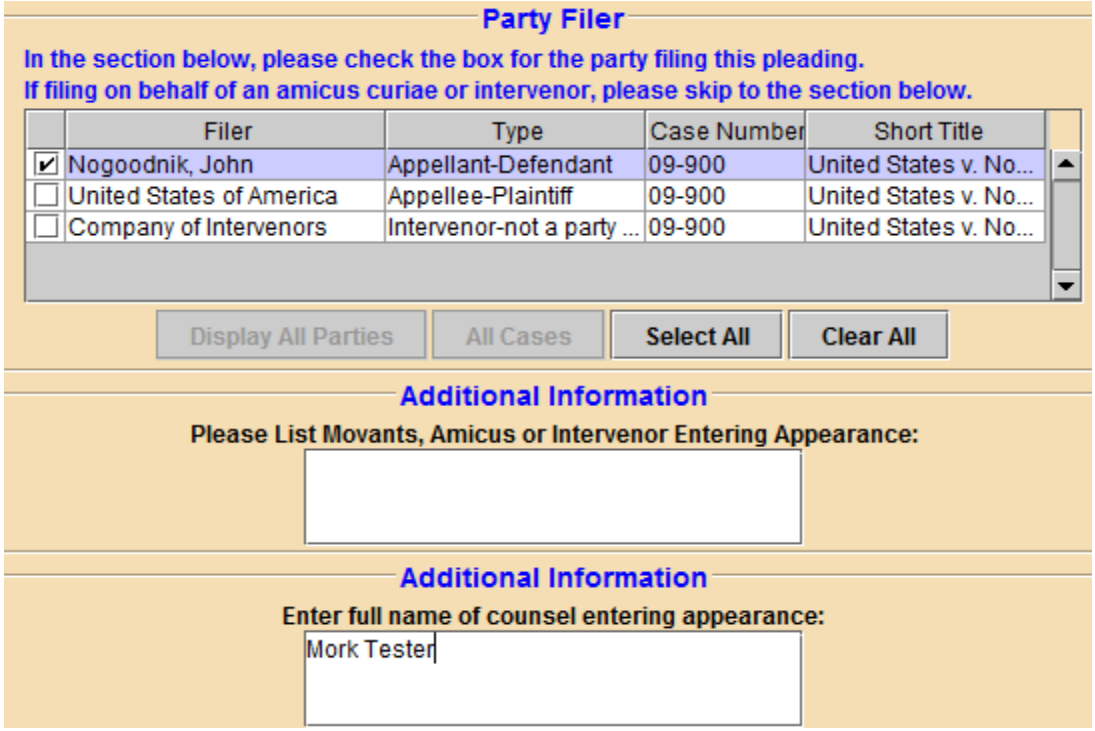
D. Filing an Entry of Appearance

1. **PLEASE NOTE**: if you are not an existing counsel of record in a case, your entry of appearance must be submitted to the court via ECF and reviewed by a case manager before you will be able to docket any other pleadings in that case. Please plan accordingly.

2. Select the "Preliminary Appeal Documents" category from the left side of the main screen. Select "File an Entry of Appearance" from the menu that appears on the right side of the main screen. If your pleading needs to be filed in more than one case (for example, a cross-appeal), select the additional cases in the Case Selection box. Click 'Continue.'

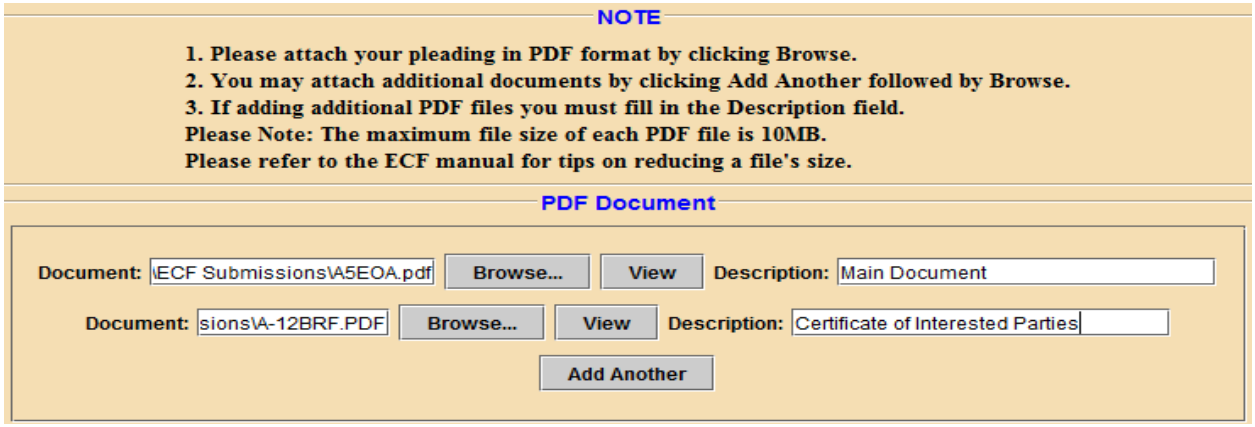


3. Select the party filer(s) in the top box. If you represent more than one party, make sure that all of your parties are selected. If your party(ies) does not appear in the 'Party Filer' section, please enter their name(s) in the first Additional Information section below.



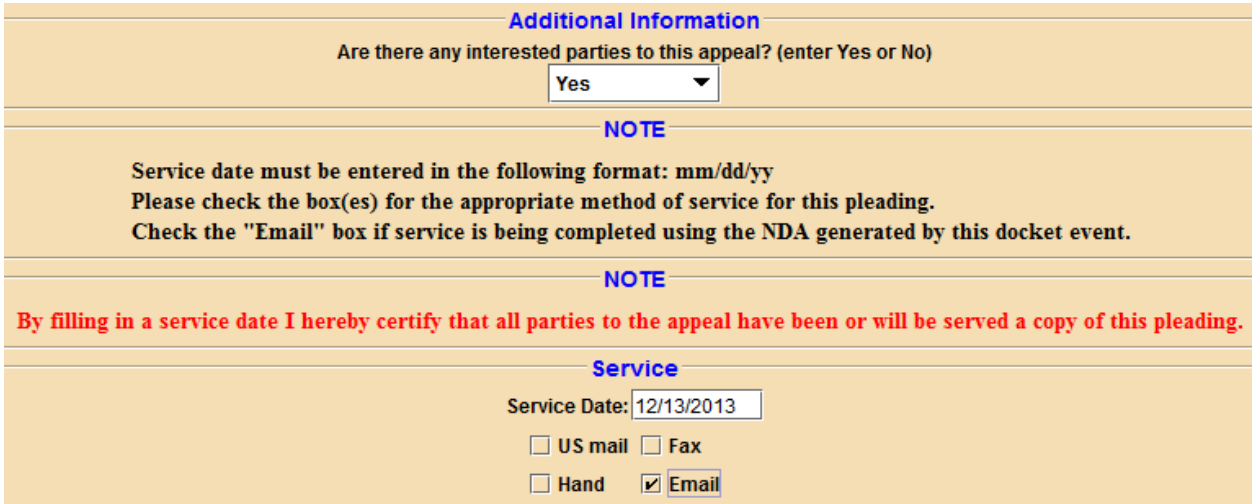
4. Enter the name of the attorney(s) entering an appearance in the second Additional Information box. More than one attorney may enter his/her appearance on a single form; each attorney does not have to file the form on behalf of him/herself.

5. Attach the PDF containing your entry of appearance. If your pleading has an attachment, use the 'Add Another' button to attach that PDF. Complete the Description field for the attachment.



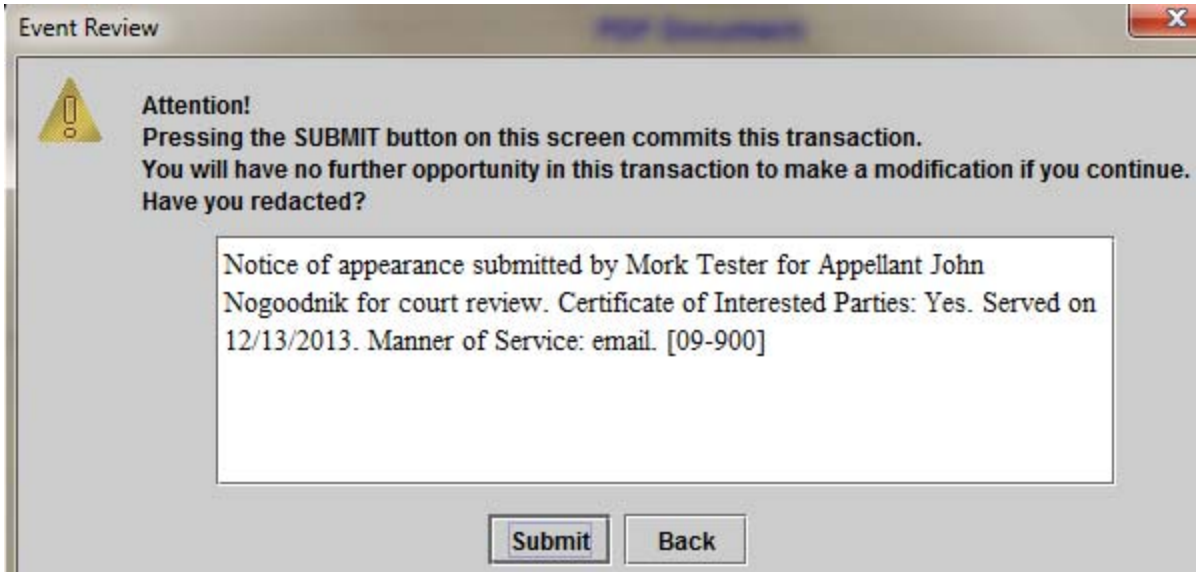
6. From the drop-down menu, indicate whether you are disclosing any interested parties on your entry of appearance form.

7. Complete the Service section by entering the date of service of the pleading in the Service Date box, and selecting the appropriate box in the Service field method of service (if relying on ECF for service, select 'Email'). Click 'Continue.'

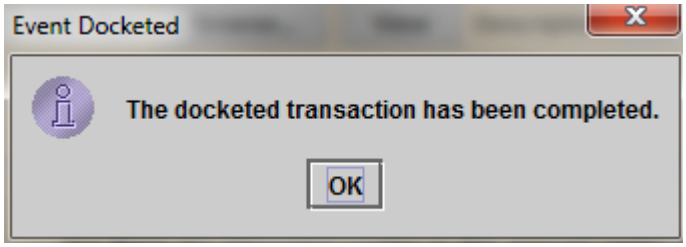


8. Verify in the Docket Text pop-up window that the party(ies) you represent is/are listed here, the full name(s) of all counsel entering an appearance appear, and that the service date and method of service are correct. If so, click 'Continue'; if not, click 'Back' to return to the previous screen to make corrections.

9. The next screen that appears is the final Event Review screen. Selecting 'Submit' completes the transaction. Select 'Back' if you have changes to make, or decide to cancel the transaction.



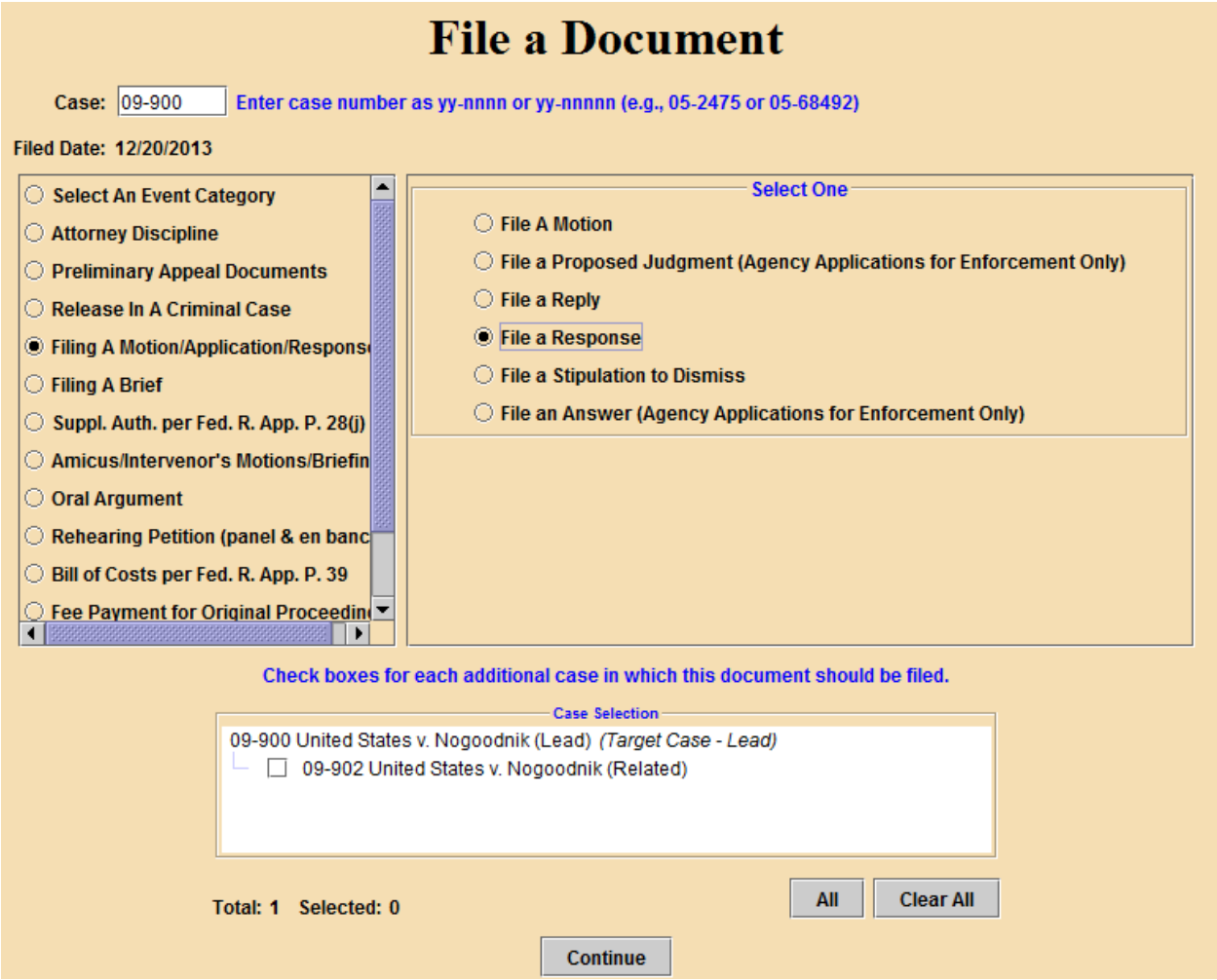
10. If successful, you will see this message:



11. **NOTE**: You will not immediately receive a notice of docket activity from this event. A case manager in the clerk's office will review the submission and issue a notice of docket activity upon completion of the review process.

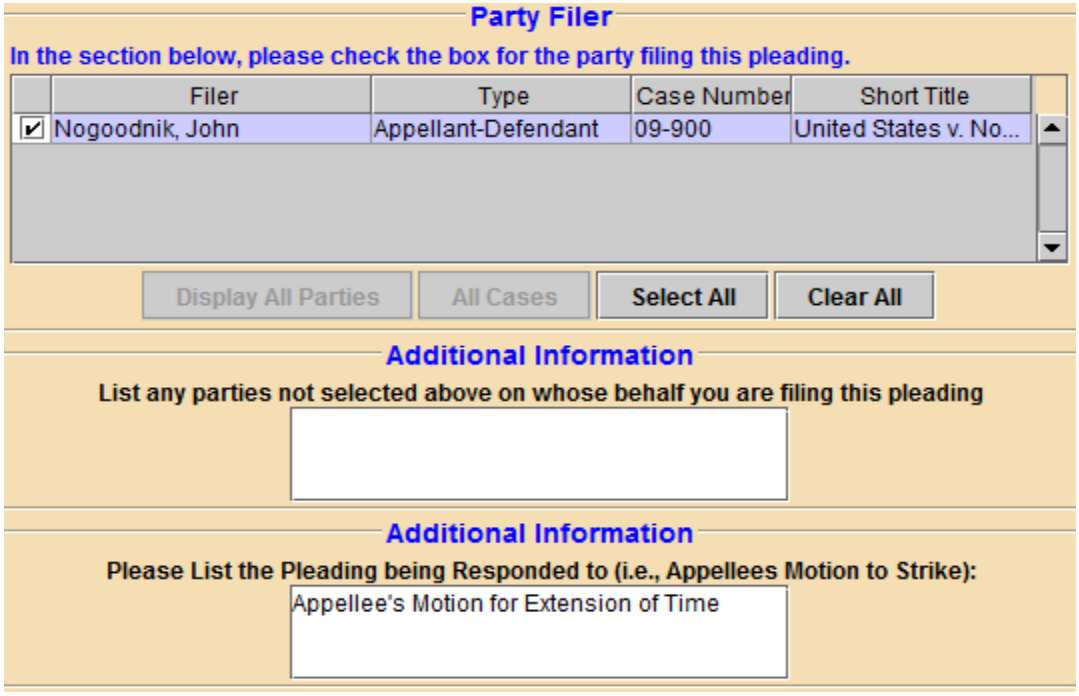
E. Filing a Response

1. Select the "Filing A Motion Or Response" category from the left side of the main screen. Select "File A Response" from the menu that appears on the right side of the main screen. If your response needs to be filed in more than one case (for example, a cross-appeal), select the additional cases in the Case Selection box. Click 'Continue.'

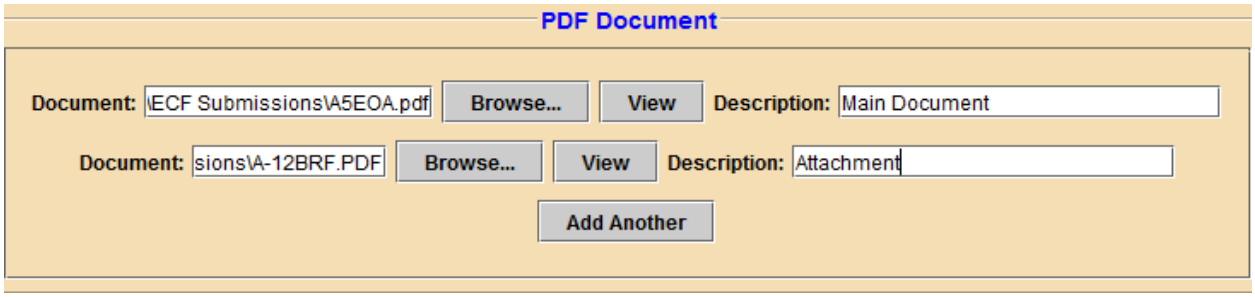


2. Select the party filer(s) in the top box. If you represent more than one party, make sure that all of your parties are selected. If your party(ies) does not appear in the 'Party Filer' section, please enter their name(s) in the first Additional Information section below.

3. In the Additional Information field, state the name of the pleading to which you are filing a response.

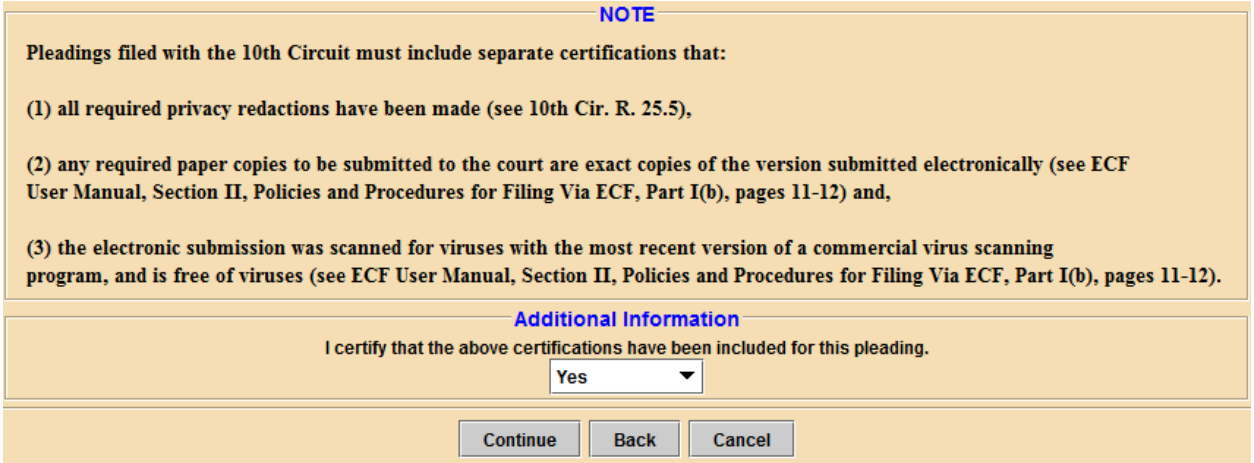


4. Attach the PDF containing your motion. If your motion has an attachment, use the 'Add Another' button to attach that PDF. Complete the Description field for the attachment.

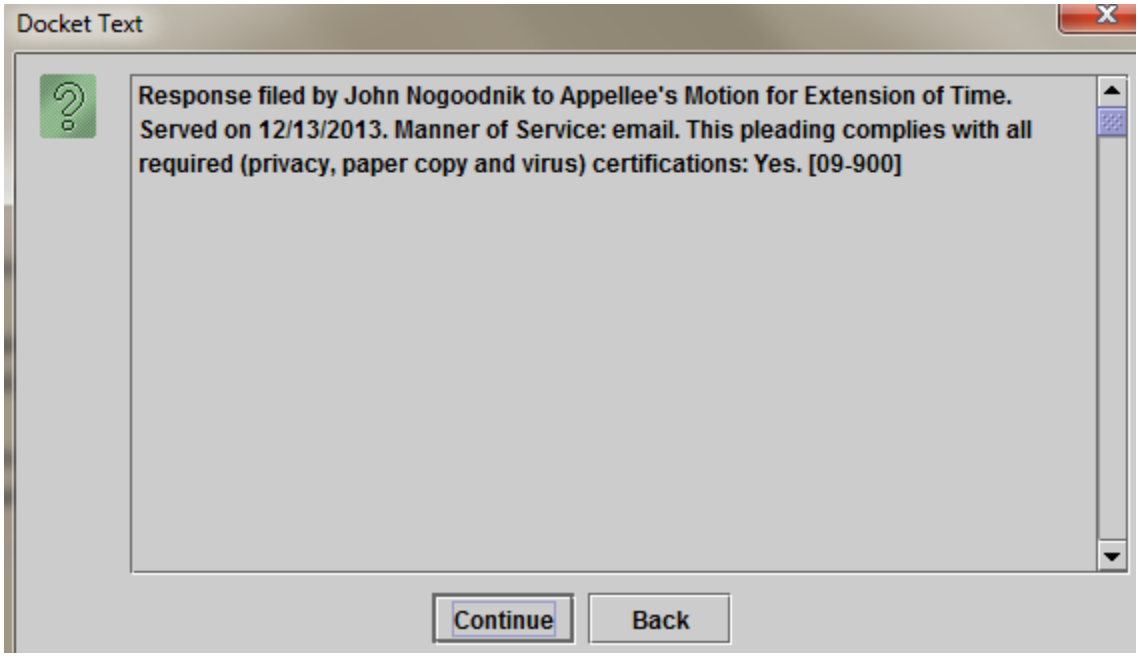


5. Complete the Service section by entering the date of service of the motion in the Service Date box, and selecting the appropriate box in the Service field method of service (if relying on ECF for service, select 'Email'). Click 'Continue.'

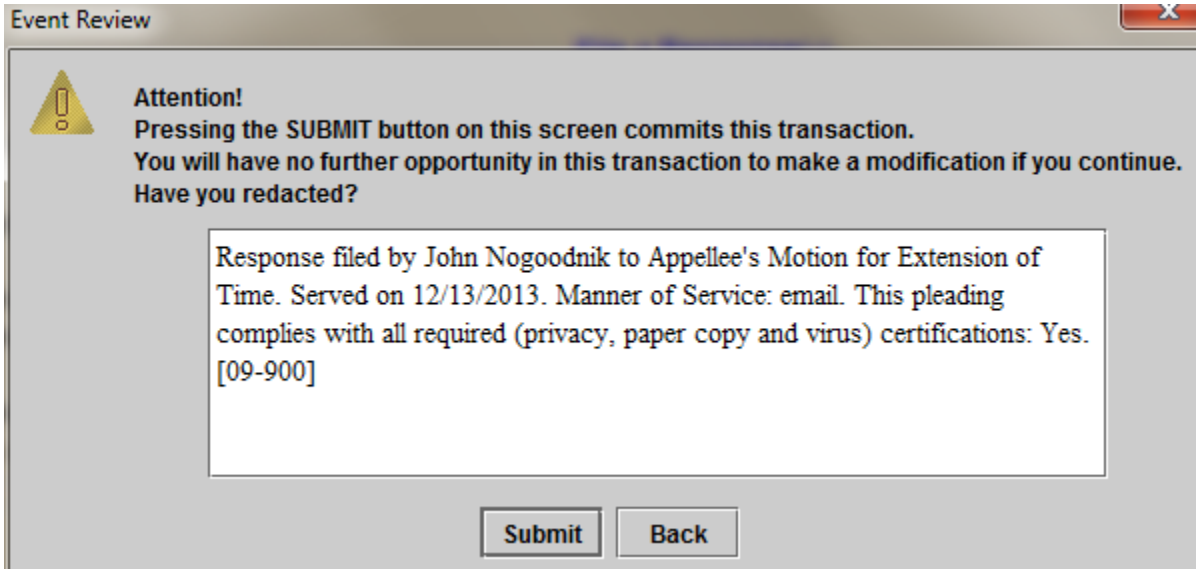
6. Read the statements regarding privacy redactions, exact copies submitted, and scanning for viruses. You will need to certify by selecting from the drop down menu that you have acknowledged the previous statements. Click 'Continue.'



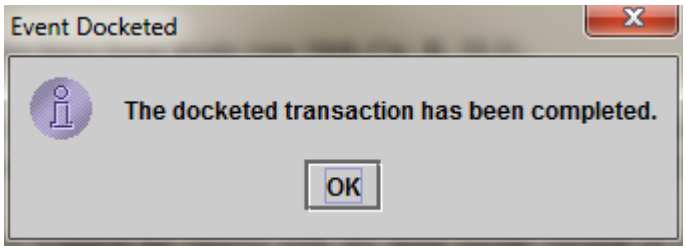
7. Verify in the Docket Text pop-up window that you have selected the correct event, stated the correct pleading to which you are responding, that the party(ies) you represent is/are listed here, and that the service date and method of service are correct. If so, click 'Continue;' if not, click 'Back' to return to the previous screen to make corrections.



8. The next screen that appears is the final Event Review screen. Selecting 'Submit' completes the transaction. Select 'Back' if you have changes to make, or decide to cancel the transaction.



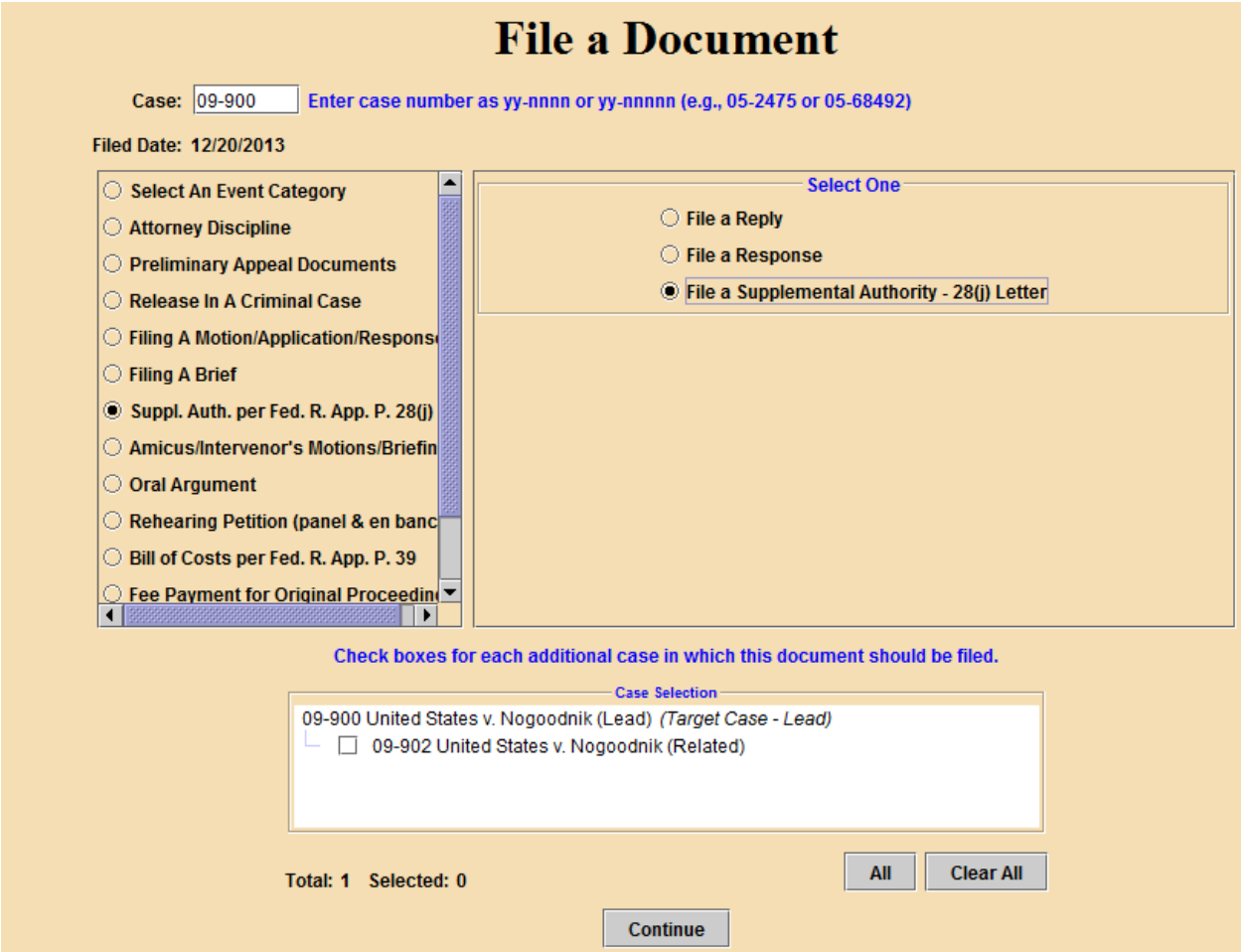
9. If successful, you will see this message:



10. Click 'OK' and the Notice of Docket Activity will appear. You may close this screen after it appears

F. Filing a Supplemental Authority

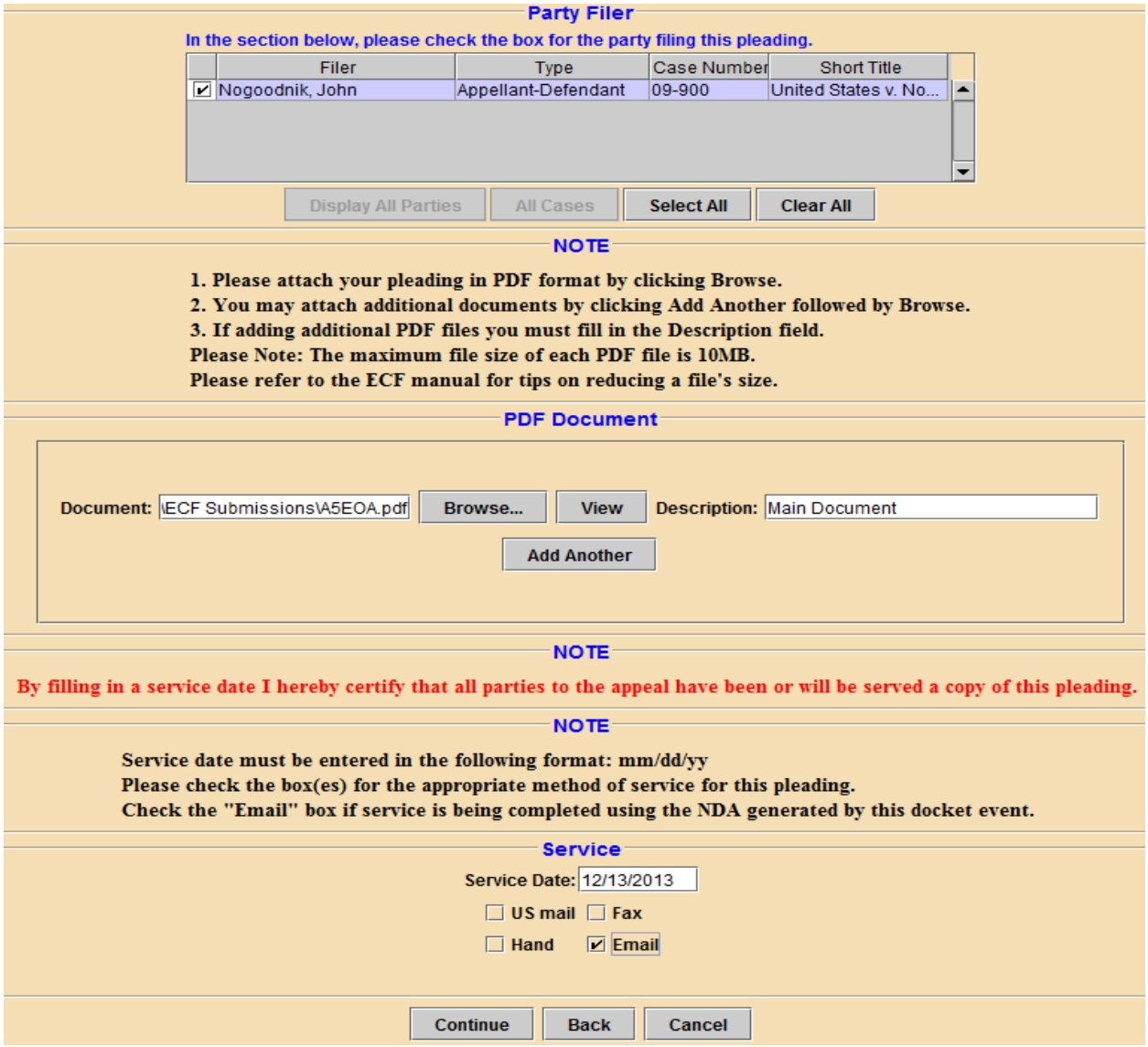
1. Select the "Fed. R. App. P. 28(j) Letter" category from the left side of the main screen. Select "File a Supplemental Authority" from the menu that appears on the right side of the main screen. If your pleading needs to be filed in more than one case (for example, a cross-appeal), select the additional cases in the Case Selection box. Click 'Continue.'



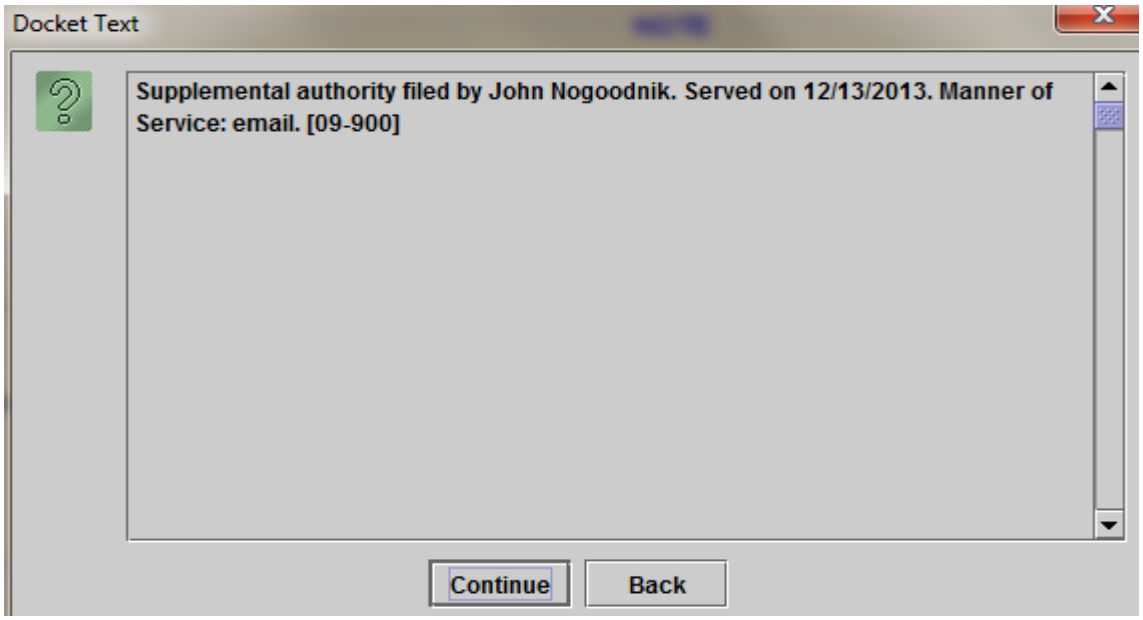
2. Select the party filer(s) in the top box. If you represent more than one party, make sure that all of your parties are selected.

3. Attach the PDF containing your motion. If your motion has an attachment, use the 'Add Another' button to attach that PDF. Complete the Description field for the attachment.

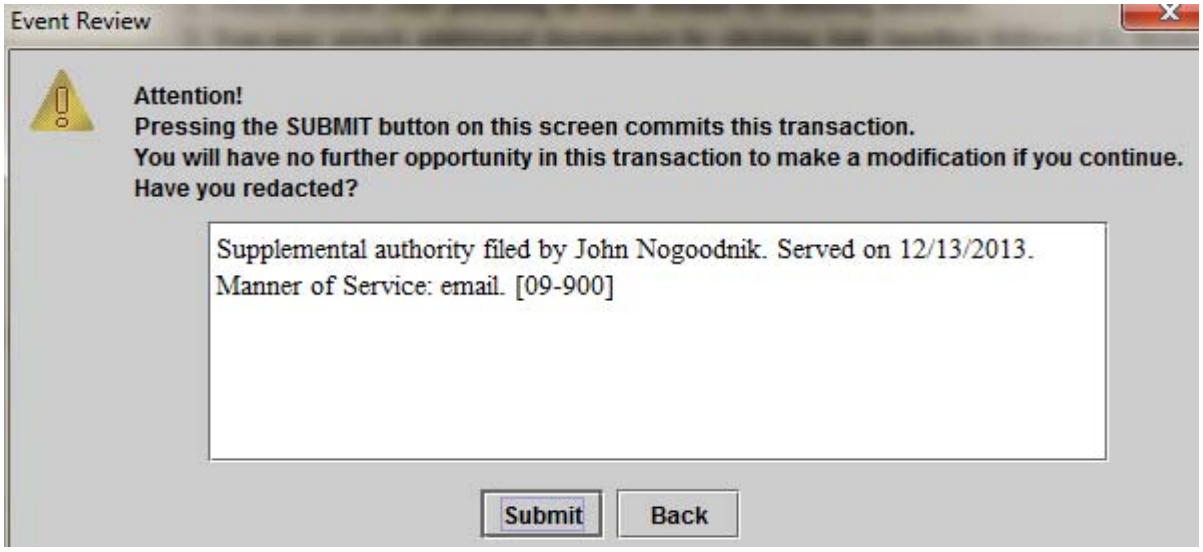
4. Complete the Service section by entering the date of service of the motion in the Service Date box, and selecting the appropriate box in the Service field method of service (if relying on ECF for service, select 'Email'). Click 'Continue.'



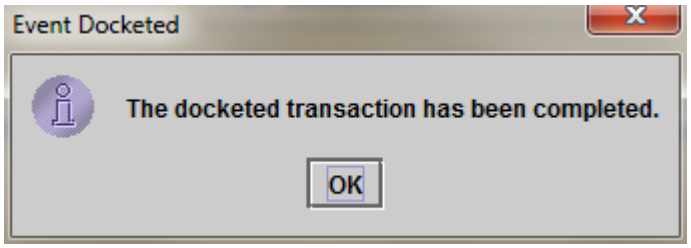
5. Verify in the Docket Text pop-up window that you have stated the correct event, that the party(ies) you represent is/are listed here, and that the service date and method of service are correct. If so, click 'Continue;' if not, click 'Back' to return to the previous screen to make corrections.



6. The next screen that appears is the final Event Review screen. Selecting 'Submit' completes the transaction. Select 'Back' if you have changes to make, or decide to cancel the transaction.



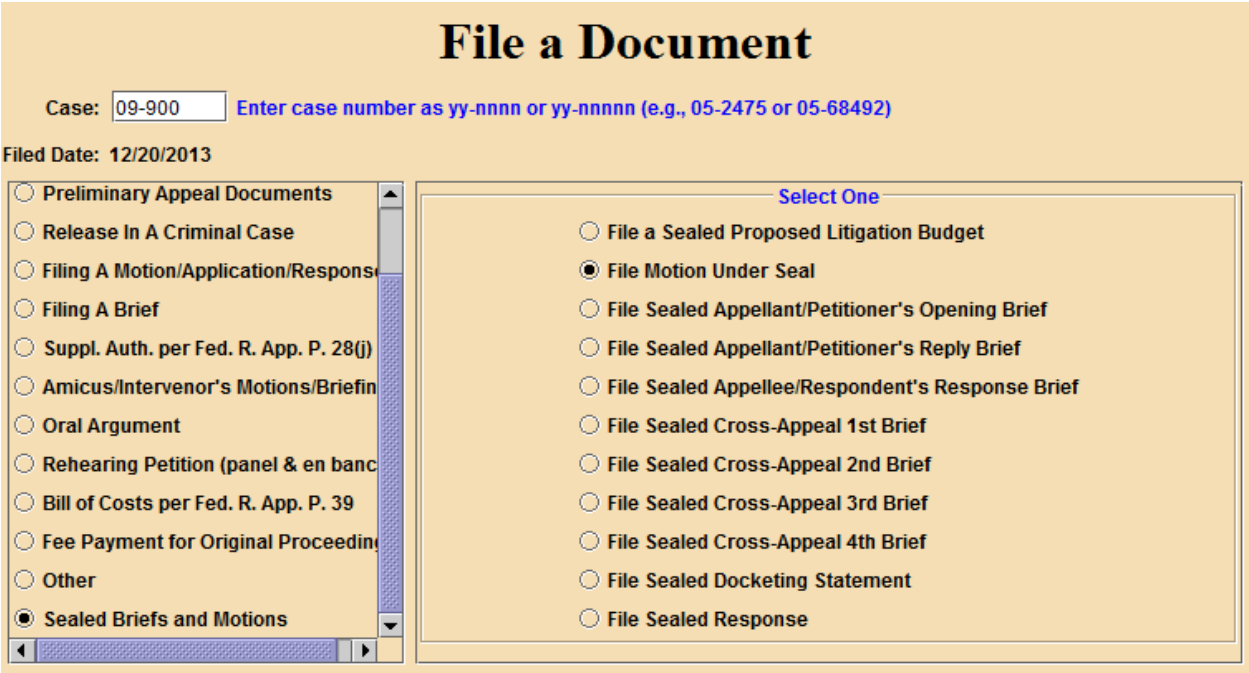
7. If successful, you will see this message:



8. Click 'OK' and the Notice of Docket Activity will appear. You may close this screen after it appears.

G. Other Hints and Tips
(THINGS EVERY ECF FILER WILL WANT TO KNOW)

1. When filing a brief or motion under seal, make sure to select the 'Sealed Briefs and Motions' category from the left side of the main menu. If you do not do this, your pleading will not appear as sealed on the court's docket.



If you are filing a motion for permission to file a pleading under seal, and are submitting the pleading at the same time as the motion, make sure to use "file a motion under seal" and add the pleading to be sealed as an attachment to this event. This way, both the motion and the pleading will be submitted under seal initially.

2. Please note that there are three options when filing a transcript order form- "Transcript Order Acknowledgment Form" must be used when a transcript will be ordered; "Notice that a Transcript is Unnecessary" must be used when not ordering a transcript; "Notice that Transcripts Are Already on File in District Court" must be used when a needed transcript is already on file in district court.

3. Although you will receive a notice of docket activity when submitting an amicus/intervenor brief via ECF, the brief is not considered filed until a case manager in the clerk's office reviews the brief and dockets it as "filed." A notice of docket activity stating that the brief has been filed will be issued upon completion of the review process.

4. The clerk's office will review all pleadings to ensure compliance with appropriate appellate and local rules, and to ensure that each pleading was filed correctly. Should a pleading be deemed noncompliant, counsel will be contacted and instructed to re-file the pleading.

5. If you are filing a motion for leave to file a pleading, please add the proposed pleading as an attachment to the "motion filed" docket event. If the motion is granted, the clerk's office will docket the pleading separately.

6. When submitting an entry of appearance form, it is acceptable to have a single form contain multiple attorney names. Each attorney does not have to file a separate entry of appearance form.

7. ECF is built to permit filing from a single attorney and the party(ies) that attorney represents and was not designed for "joint filings." As such, should you have a joint pleading to file, please have one attorney file on behalf of the parties he represents. When the court reviews the pleading, it will adjust the docket entry to reflect that it is, in fact, a "joint" filing.

8. Only counsel of record will have the ability to file in a sealed case; this restriction extends to entries of appearance. If you are an attorney entering your appearance in a case and you have not appeared in the case previously, you will need to have counsel of record file your entry of appearance on your behalf. Once you are formally added to the case, you will be able to file all pleadings in the case.

9. Effective October 1, 2012, case initiating documents for original proceedings may be submitted via ECF/pay.gov (see ECF User's Manual Section VIII for specifics on how to submit). Materials falling into this category include petitions for review, petitions for permission to appeal and original writs. In this regard, **please note that any accompanying appendices for case initiating documents may now be submitted via ECF when using that option**. Appendices filed with the Court electronically are limited to 10 megabytes per uploaded file. More than one file may be uploaded to a particular entry, provided that the total file size does not exceed 50 megabytes per transaction. Submission of such case initiating documents via ECF is not mandatory at this time, however. Alternatively, these pleadings may be submitted in paper format or emailed to the Clerk at 10th_Circuit_Clerk@ca10.uscourts.gov. Pleadings forwarded on email should be in Native PDF format. In addition please note that submission of case initiating documents via ECF does not exempt the filing party from serving the documents via conventional methods. See User Manual Section II D 4.

H. HOW TO CREATE HYPERLINKS IN YOUR DOCUMENTS

The instructions below describe how to create a hyperlink in a PDF document. The hyperlink will connect the reader to another PDF document on file in the court's CM/ECF filing database. The hyperlinked document can be a document that was previously filed, like an appendix, or a document that is being filed with the current PDF document. For example, you could create a hyperlink in your brief to an order submitted as an attachment to the brief. In order to hyperlink, both documents must already docketed in the CM system (either previously filed, like an appendix, or filed in the same docket event, like an attachment). To create hyperlinks to an appendix you must first docket that pleading then create the links. The steps used to create a hyperlink and to generate documents in PDF format are similar whether using Word or WordPerfect. Both will be covered in this section.

CREATING A HYPERLINK TO A DOCUMENT ALREADY FILED IN A CASE

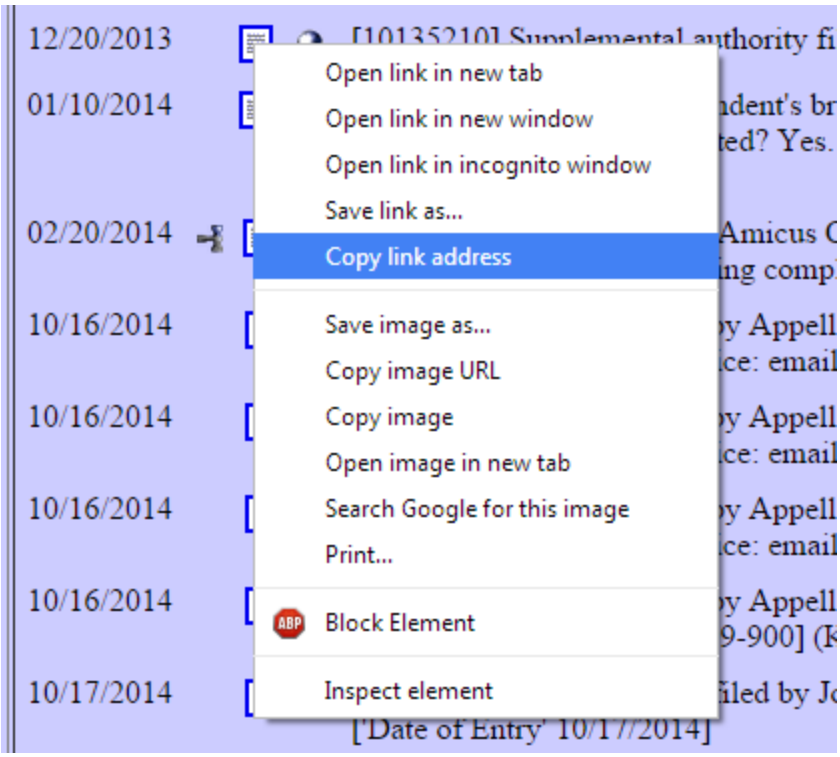
1. Access CM/ECF and create a docket report for the case in which the document was filed.

2. Scan the docket to find the correct document.

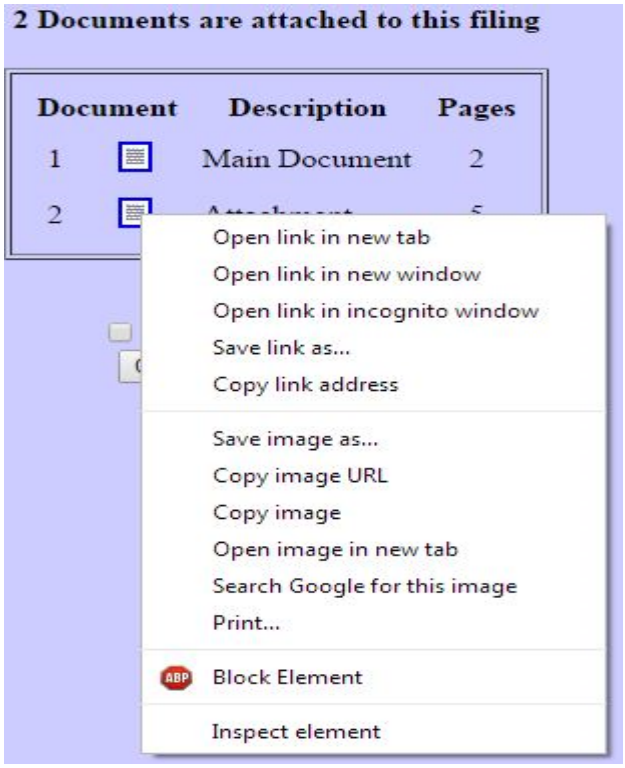
3. Copy the URL of the document to the clipboard by doing the following:

    a. Hover over the document link and click the right mouse button.

    b. From the pop-up menu, choose **Copy Shortcut** or **Copy Link Location**, or **Copy Link Address** (the option you see depends on the browser you are using.)



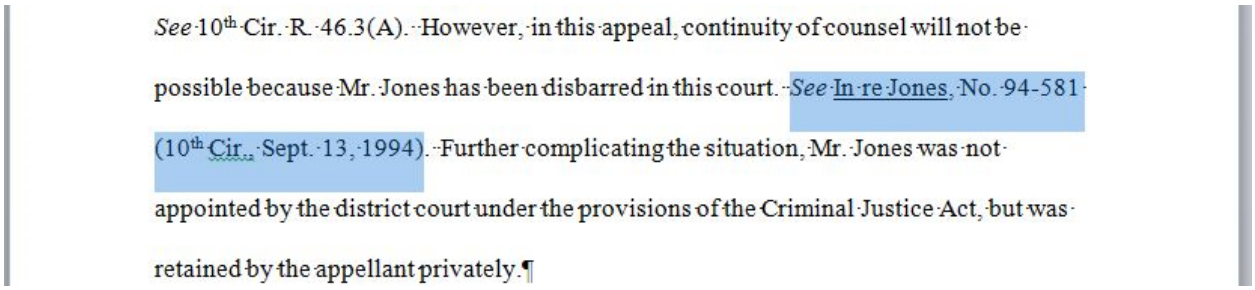
c. If the docket event has multiple attachments, double click on the file icon and a new window will open. From the list of documents, hover over the correct document link, and follow the steps listed above in 3(b).



CAUTION: DO NOT copy the URL from the browser's address bar when the document is open.

4. Open the word processing document where you will be pasting in the link.

5. In the document, highlight the citation text for which you want to create the hyperlink.

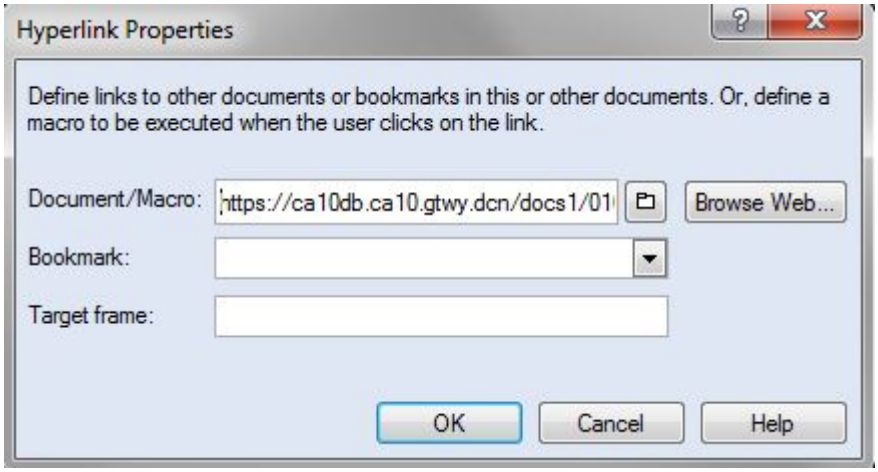


6. The next section will cover how to create a hyper link and PDF document using WordPerfect. If you are using Word, you may skip ahead to the Word instructions.

To Create the Hyperlink and Produce a PDF in WordPerfect

1. From the **Tools** menu, choose **Hyperlink**. The Hyperlink Properties dialog box opens.

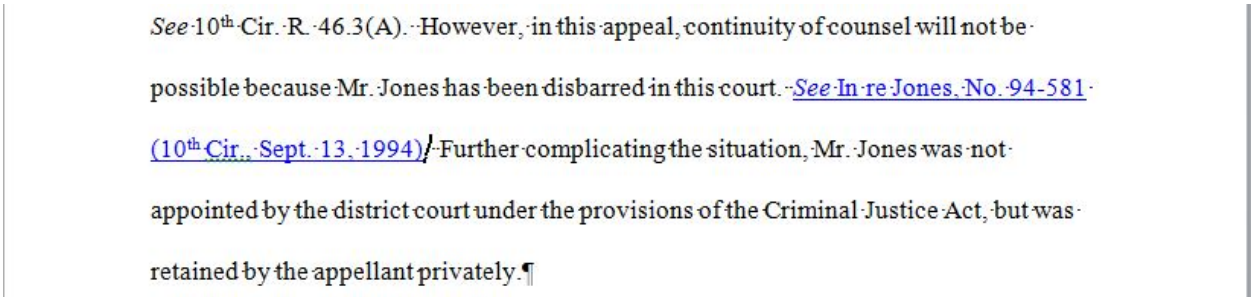
2. Press *Ctrl-V* to paste the URL into the **Document/Macro** field.



3. If the citation is to a specific page in the document, append the following string to the URL to identify the page: ?page=x
   For example:
   https://ca10db.ca10.gtwy.dcn/docs1/01009175943?page=12

   NOTE: Because of an incompatibility issue between Internet Explorer and Adobe Acrobat, the page number pointer will not work if the user opens the document with Internet Explorer.

4. Click the **OK** button. In the word processing application, the hyperlink text is now underlined and blue (or the color that you specified for hyperlinks), indicating a hyperlink has been created.



5. Save the word processing document.

6. Produce the PDF file.

CAUTION: Do not use the Print option in the word processing program.

You must use the option of **Publish to PDF** or the **Publish to** option on the **File** Menu, and then choose **PDF**.

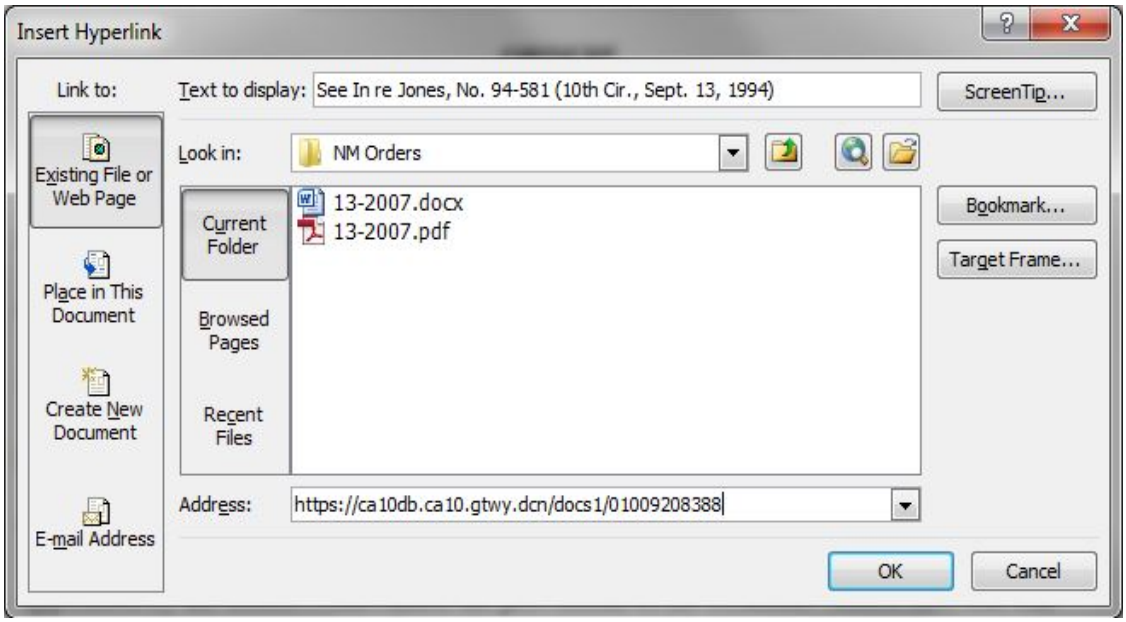
If your version of WordPerfect does not have one of these Publish options, you must upgrade to Version 11 or higher.

Your PDF document with hyperlinks is now ready to be filed.

To Create the Hyperlink and Produce a PDF in Word

1. From the **Insert** menu, choose **Hyperlink**. The **Insert Hyperlink** dialog box opens.

2. Press *Ctrl-V* to paste the URL into the **Address** field.



3. If the citation is to a specific page in the document, append the following string to the URL to identify the page: ?page=x
   For example:
   https://ca10db.ca10.gtwy.dcn/docs1/01009175943?page=12

   NOTE: Because of an incompatibility issue between Internet Explorer and Adobe Acrobat, the page number pointer will not work if the user opens the document with Internet Explorer.

4. Click the **OK** button. In the word processing application, the hyperlink text is now underlined and blue (or the color that you specified for hyperlinks), indicating a hyperlink has been created.

> *See* 10th Cir. R. 46.3(A). However, in this appeal, continuity of counsel will not be possible because Mr. Jones has been disbarred in this court. *See* In re Jones, No. 94-581 (10th Cir., Sept. 13, 1994). Further complicating the situation, Mr. Jones was not appointed by the district court under the provisions of the Criminal Justice Act, but was retained by the appellant privately.¶

5. Save the word processing document.

6. Produce the PDF file by following the steps below.

   CAUTION: Do not use the Print option in the word processing application.

   If you are using a version of Word that has an Adobe PDF menu, choose the Convert to Adobe PDF option.

   If your version does not have the Adobe PDF menu, close the Word file and follow the steps below.

   a. Open Adobe Acrobat.

   b. From the File menu, choose Create PDF > From File.
      A navigation dialog box opens.

   c. In the navigation dialog box, find and select the document that you want to convert to PDF, the click the Open button.

      (A series of dialog boxes will open while the document is converted to PDF.)

   d. When the conversion is complete, save the PDF file in the directory of your choice.

Your PDF document with hyperlinks is now ready to be filed.

CREATING HYPERLINKS BETWEEN DOCUMENTS IN THE SAME FILING

Instead of linking to a previously filed document, you can link a PDF document to another document that you will be filing as an attachment at the same time. For example, you could create a hyperlink from your brief to an order being submitted as an attachment to the brief.

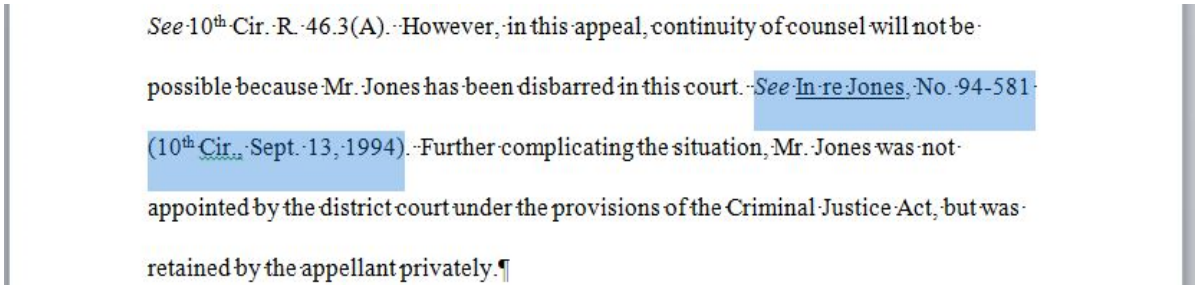
When you create the link on your local system, the link will be converted to an "*address*" in CM/ECF.

1. Create PDF versions of any secondary documents, such as attachments or exhibits, that will be referenced by the main document.

2. Open the main document in the word processing application.

   The main document will have the hyperlinks to the secondary documents.

3. In the main document, highlight the text for which you want to create the hyperlink to the secondary document.


See 10th Cir. R. 46.3(A). However, in this appeal, continuity of counsel will not be possible because Mr. Jones has been disbarred in this court. *See* In re Jones, No. 94-581 (10th Cir., Sept. 13, 1994). Further complicating the situation, Mr. Jones was not appointed by the district court under the provisions of the Criminal Justice Act, but was retained by the appellant privately.¶

To Create the Hyperlink to an Attachment and Produce a PDF in WordPerfect

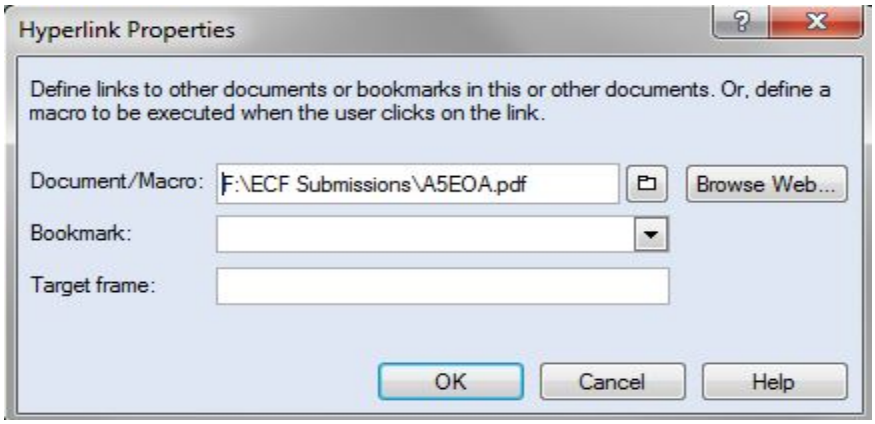
1. From the **Tools** menu, choose **Hyperlink**. The Hyperlink Properties dialog box opens.

2. Click the folder icon to the right of the **Document/Macro** field.

   The **Select File** window opens.

3. Navigate to and select the PDF file that you want to link to and click the **Select** button.

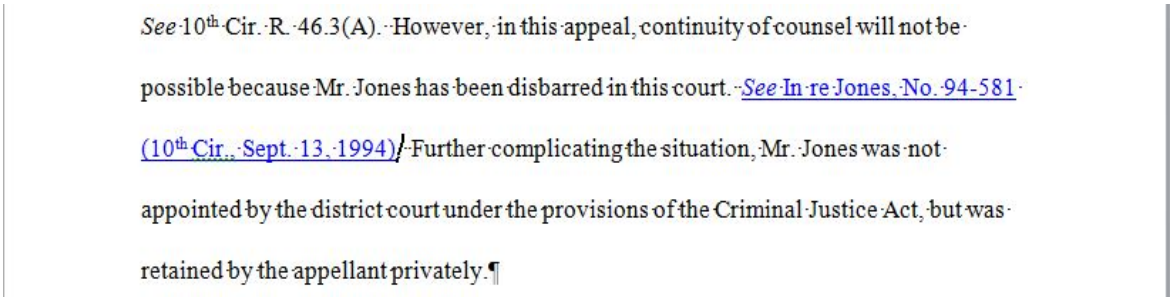
The Document/Macro field now shows the file you selected.



4. If the citation is to a specific page in the document, append the following string to the URL to identify the page: ?page=x
   For example:
   F:\ECF Submissions\A5EOA.pdf?page=12

   NOTE: Because of an incompatibility issue between Internet Explorer and Adobe Acrobat, the page number pointer will not work if the user opens the document with Internet Explorer.

5. Click the **OK** button. In the word processing application, the hyperlink text is now underlined and blue (or the color that you specified for hyperlinks), indicating a hyperlink has been created.



6. Save the word processing document.

7. Produce the PDF file.

   CAUTION: Do not use the Print option in the word processing program.

You must use the option of **Publish to PDF** or the **Publish to** option on the **File** Menu, and then choose **PDF**.

If your version of WordPerfect does not have one of these Publish options, you must upgrade to Version 11 or higher.

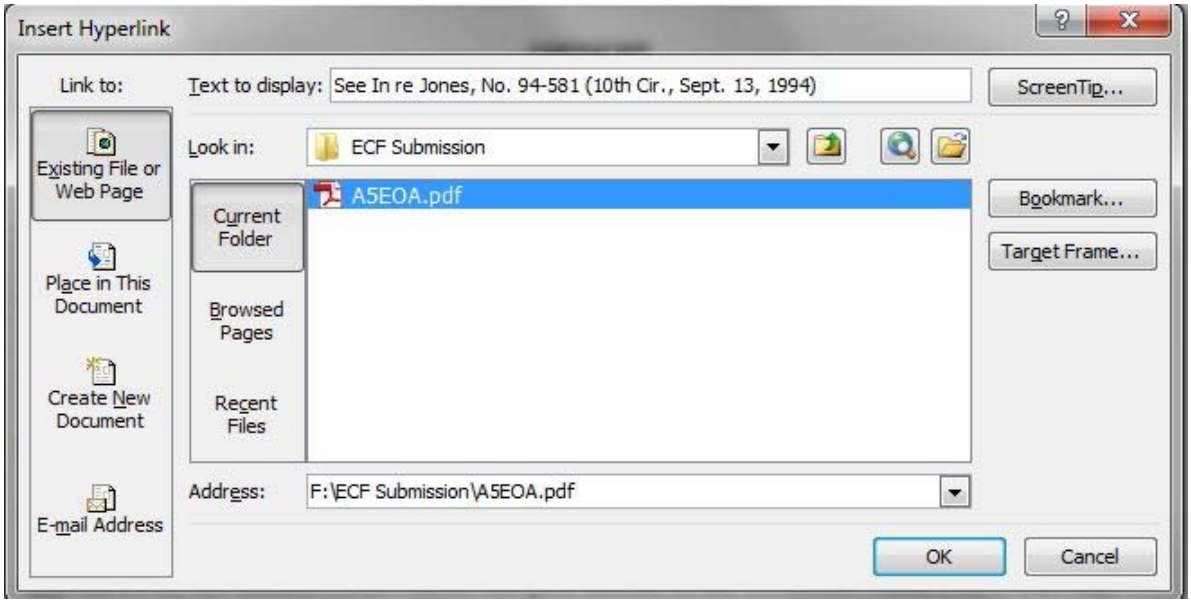
Your PDF document with hyperlinks is now ready to be filed.

To Create the Hyperlink to an Attachment and Produce a PDF in Word

1. From the **Insert** menu, choose **Hyperlink**. The **Insert Hyperlink** dialog box opens.

2. Navigate to and select the PDF file that you want to link to.

3. The **Address** field in the Insert Hyperlink dialog box now shows the file you selected.



4. If the citation is to a specific page in the document, append the following string to the URL to identify the page: ?page=x
   For example:
   F:\ECF Submissions\A5EOA.pdf?page=12

   NOTE: Because of an incompatibility issue between Internet Explorer and Adobe Acrobat, the page number pointer will not work if the user opens the document with Internet Explorer.

5. Click the OK button. In the word processing application, the hyperlink text is now underlined and blue (or the color that you specified for hyperlinks), indicating a hyperlink has been created.

See 10th Cir. R. 46.3(A). However, in this appeal, continuity of counsel will not be possible because Mr. Jones has been disbarred in this court. *See* In re Jones, No. 94-581 (10th Cir., Sept. 13, 1994). Further complicating the situation, Mr. Jones was not appointed by the district court under the provisions of the Criminal Justice Act, but was retained by the appellant privately.¶

6. Save the word processing document.

7. Produce the PDF file by following the steps below.

   CAUTION: Do not use the Print option in the word processing application.

   If you are using a version of Word that has an Adobe PDF menu, choose the Convert to Adobe PDF option.

   If your version does not have the Adobe PDF menu, close the Word file and follow the steps below.

   e. Open Adobe Acrobat.

   f. From the File menu, choose Create PDF > From File.
      A navigation dialog box opens.

   g. In the navigation dialog box, find and select the document that you want to convert to PDF, the click the Open button.

      (A series of dialog boxes will open while the document is converted to PDF.)

   h. When the conversion is complete, save the PDF file in the directory of your choice.

Your PDF document with hyperlinks is now ready to be filed.

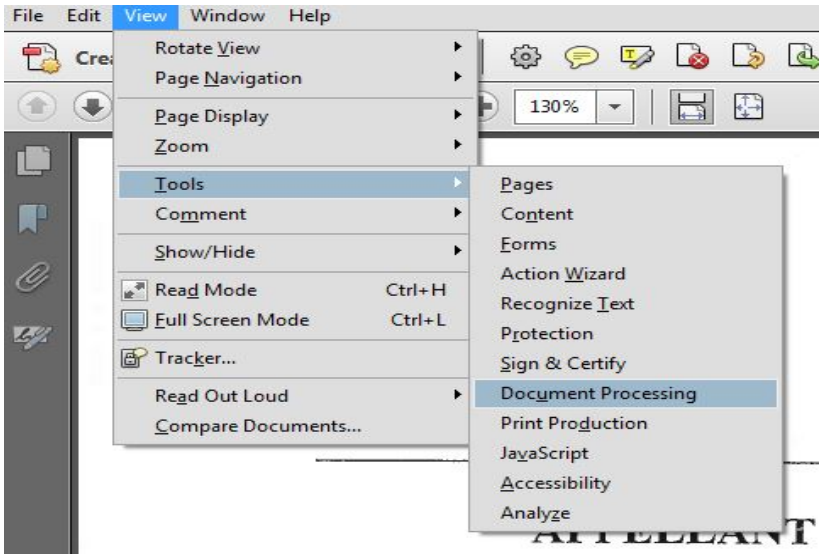
I. HOW TO COMPRESS LARGE PDF DOCUMENTS

The following section will describe to how compress large PDF documents into smaller files to be filed using the court's CM/ECF system. The maximum file size the court's CM/ECF filing system will accept for each PDF attachment is 10 MB. Please be aware that due to user's internet speeds, uploading large PDF files may take longer. Because of this issue it is helpful to reduce the file size using Adobe Acrobat. Users will need Adobe Acrobat Standard or Pro to compress PDF files. The steps used to accomplish this using Acrobat are similar and will be covered in this section.

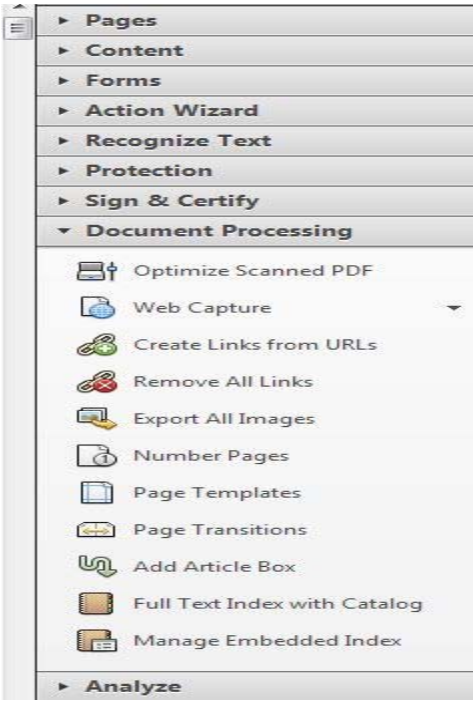
COMPRESSING LARGE FILES USING ADOBE ACROBAT STANDARD

1. Open **Adobe Acrobat** and access the PDF document that you will be compressing.

2. From the **View** menu, choose **Tools,** and click on the **Document Processing** option.



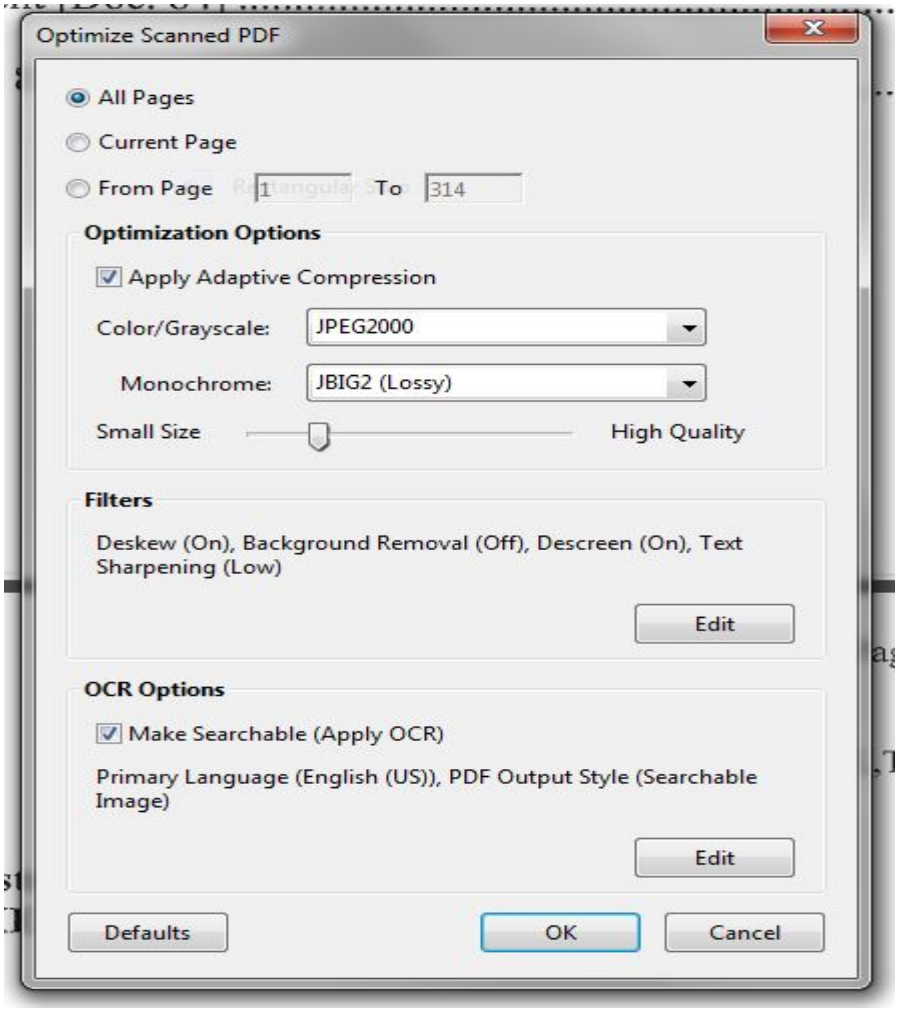
3. From the sidebar that opens on the right, choose **Optimize Scanned PDF**.



4. The **Optimize Scanned PDF** dialog box opens.

5. Verify the **All Pages** option is selected.

6. If the document is not searchable, select the **Make Searchable (Apply OCR)** option.



7. The default setting of the remaining options may be left as is to compress the PDF document.

8. Click **OK** to begin the optimization process. It may take time, depending on the size of the PDF document, to optimize the file.

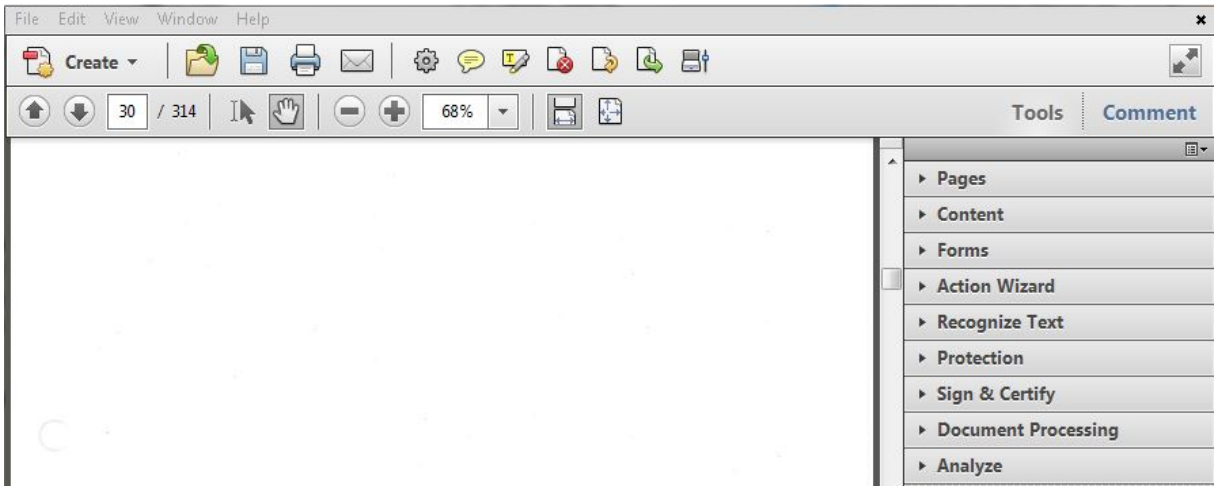
9. After optimization is complete, select Save As to save the document. Once Saved, compare the file size to the original to confirm the file has been compressed.

AppendixTesting.pdf	9/11/2014 3:57 PM	Adobe Acrobat D...	32,979 KB
AppendixTestingOptimizedCopy.pdf	10/22/2014 2:29 PM	Adobe Acrobat D...	8,998 KB

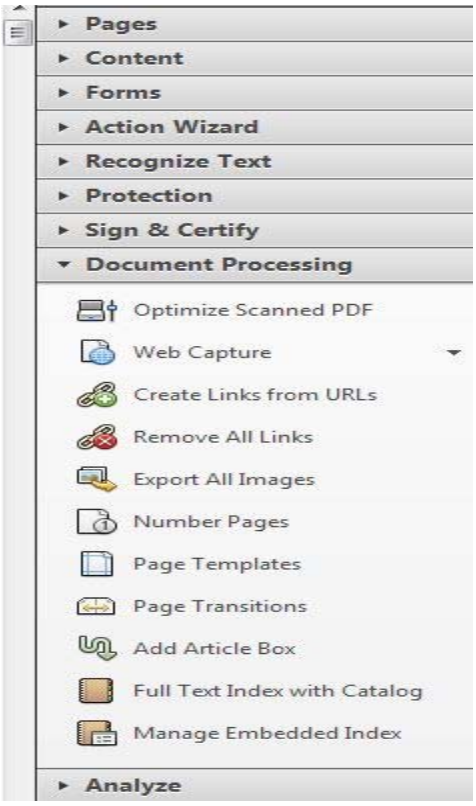
10. If the PDF document has been sufficiently compressed you are ready to file document.

COMPRESSING LARGE FILES USING ADOBE ACROBAT PRO

1. Open **Adobe Acrobat Pro** and access the PDF document that you will be compressing.
2. From the **Toolbar** select the **Tools** option on the far right side of the page.



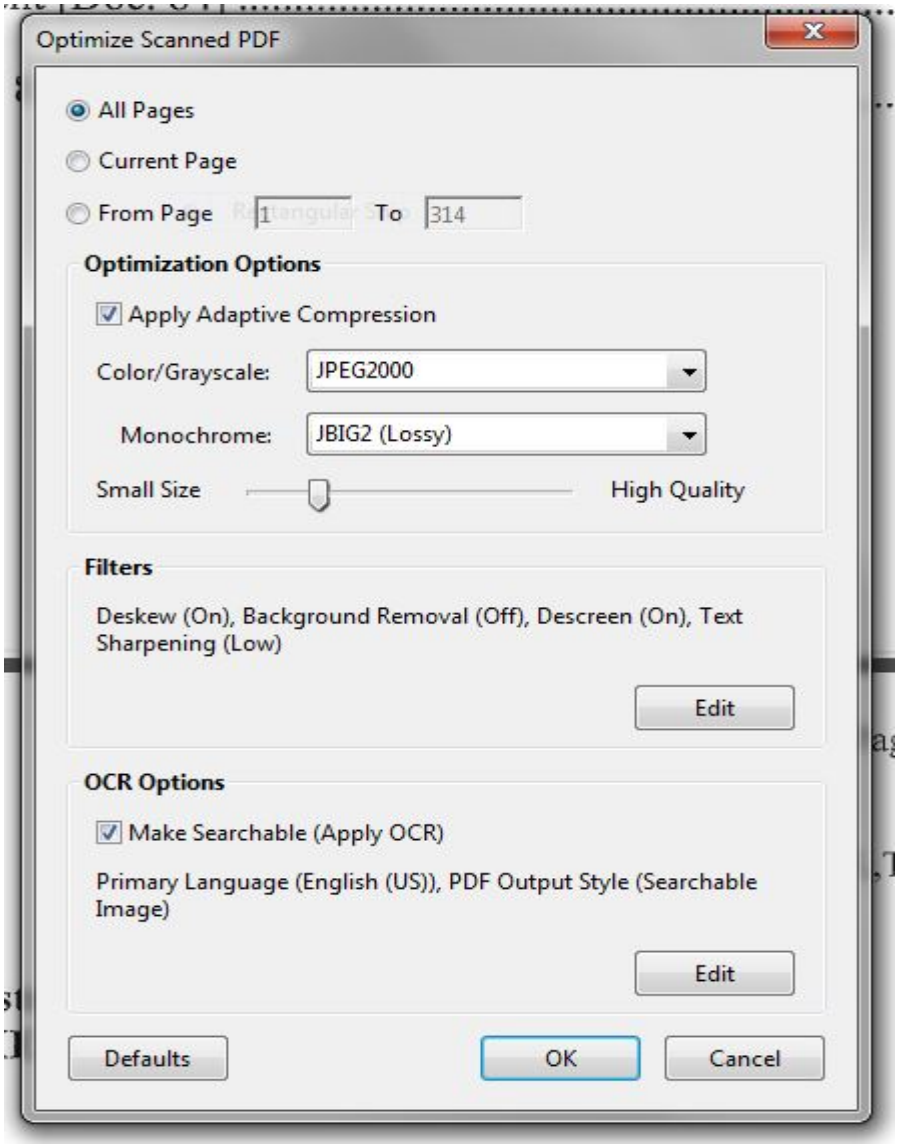
3. Click on **Document Processing** to select the **Optimize Scanned PDF** option.



4. The **Optimize Scanned PDF** dialog box opens.

5. Verify the **All Pages** option is selected.

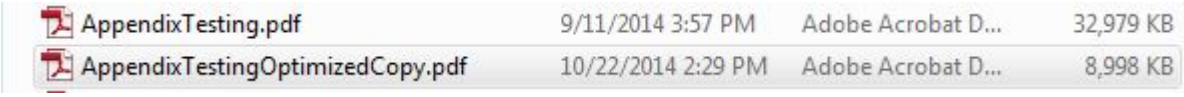
6. If the document is not searchable, select the **Make Searchable (Apply OCR)** option.



7. The default setting of the remaining options may be left as is to compress the PDF document.

8. Click **OK** to begin the optimization process. It may take time, depending on the size of the PDF document, to optimize the file.

9. After optimization is complete, select **Save As** to save the document. Once Saved, compare the file size to the original to confirm the file has been compressed.



AppendixTesting.pdf	9/11/2014 3:57 PM	Adobe Acrobat D...	32,979 KB
AppendixTestingOptimizedCopy.pdf	10/22/2014 2:29 PM	Adobe Acrobat D...	8,998 KB

10. If the PDF document has been sufficiently compressed you are ready to file document.

J. HOW TO CREATE AN APPENDIX USING THE DISTRICT COURT DOCKET

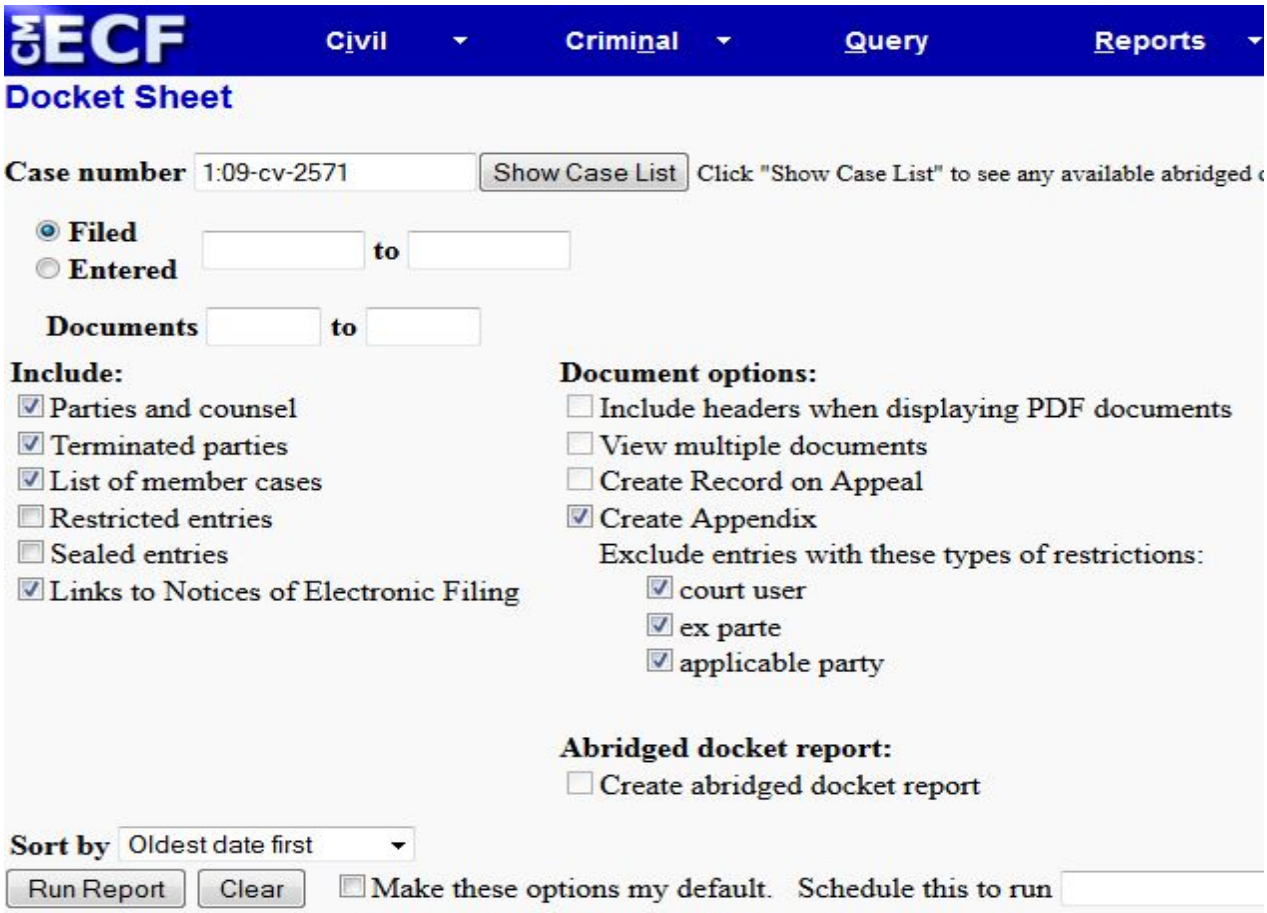
This section will describe how to use the district court's website to put together an appendix using the document's on the docket. By using the district court's "Create Appendix" function the system will automatically create bookmarks in the PDF to the documents you select from the docket report. Please note: due to access issues, sealed documents may not be available when using this functionality. Any sealed pleadings to be included in an appendix may need to be compiled separately.

1. Access the district court's pacer website.

2. From the **Reports** menu select **Docket Sheet**.

3. Type in the district court number in the **Case number** field.

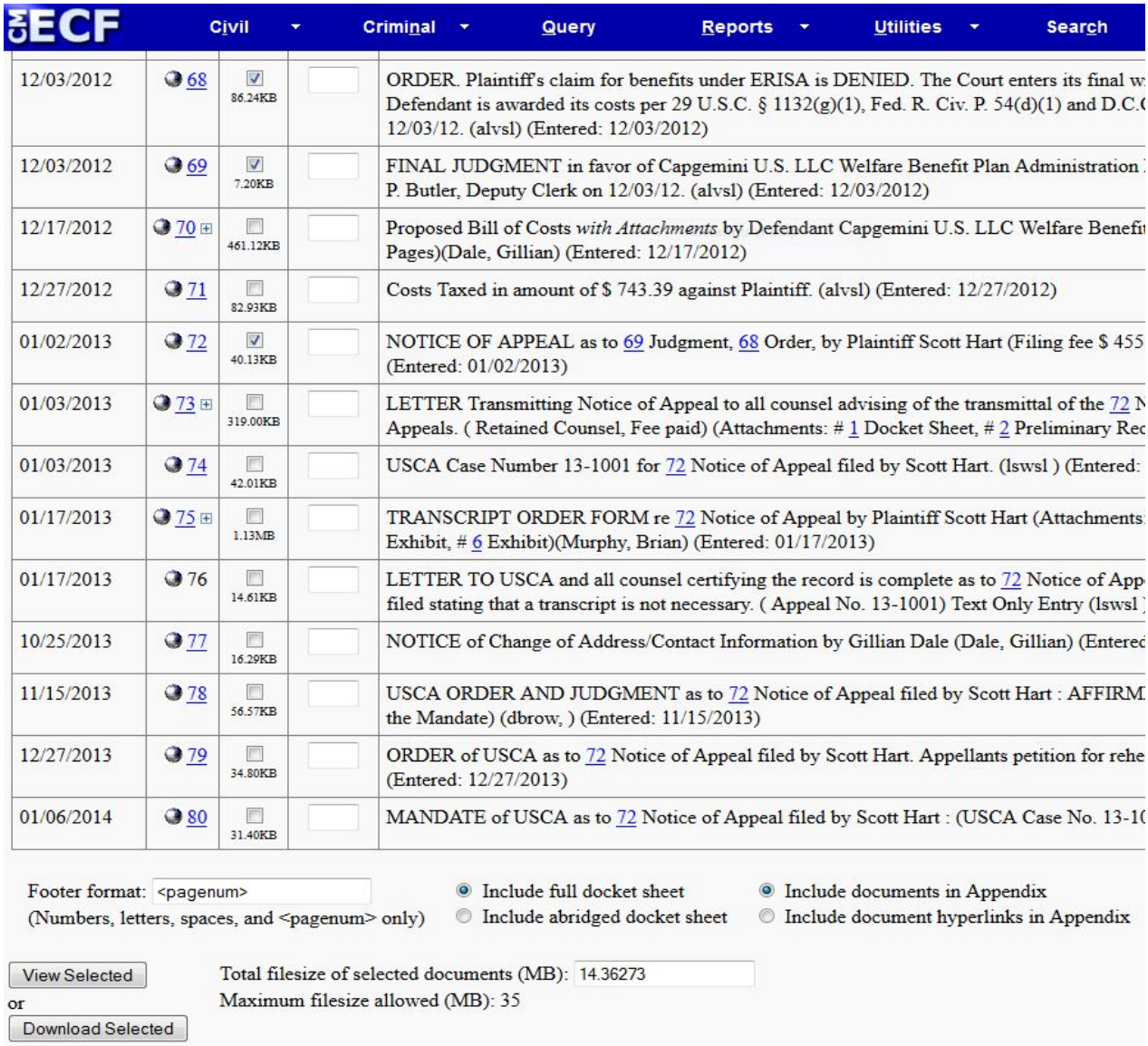
4. Under **Document Options** select **Create Appendix**. Click **Run Report** to proceed.



5. On the docket report that is generated, check the boxes next to the appropriate pleadings to be included in the appendix.

6. On the bottom of the docket report page, select **Include full docket sheet** for the first volume of your appendix. For subsequent volumes, select **Include abridged docket sheet**.

7. Select the **Include documents in Appendix** option for all volumes of appendices.



CM ECF | Civil | Criminal | Query | Reports | Utilities | Search

12/03/2012	68	86.24KB		ORDER. Plaintiff's claim for benefits under ERISA is DENIED. The Court enters its final w Defendant is awarded its costs per 29 U.S.C. § 1132(g)(1), Fed. R. Civ. P. 54(d)(1) and D.C.(12/03/12. (alvsl) (Entered: 12/03/2012)
12/03/2012	69	7.20KB		FINAL JUDGMENT in favor of Capgemini U.S. LLC Welfare Benefit Plan Administration P. Butler, Deputy Clerk on 12/03/12. (alvsl) (Entered: 12/03/2012)
12/17/2012	70	461.12KB		Proposed Bill of Costs *with Attachments* by Defendant Capgemini U.S. LLC Welfare Benefi Pages)(Dale, Gillian) (Entered: 12/17/2012)
12/27/2012	71	82.93KB		Costs Taxed in amount of $ 743.39 against Plaintiff. (alvsl) (Entered: 12/27/2012)
01/02/2013	72	40.13KB		NOTICE OF APPEAL as to 69 Judgment, 68 Order, by Plaintiff Scott Hart (Filing fee $ 455 (Entered: 01/02/2013)
01/03/2013	73	319.00KB		LETTER Transmitting Notice of Appeal to all counsel advising of the transmittal of the 72 N Appeals. (Retained Counsel, Fee paid) (Attachments: # 1 Docket Sheet, # 2 Preliminary Rec
01/03/2013	74	42.01KB		USCA Case Number 13-1001 for 72 Notice of Appeal filed by Scott Hart. (lswsl) (Entered:
01/17/2013	75	1.13MB		TRANSCRIPT ORDER FORM re 72 Notice of Appeal by Plaintiff Scott Hart (Attachments Exhibit, # 6 Exhibit)(Murphy, Brian) (Entered: 01/17/2013)
01/17/2013	76	14.61KB		LETTER TO USCA and all counsel certifying the record is complete as to 72 Notice of App filed stating that a transcript is not necessary. (Appeal No. 13-1001) Text Only Entry (lswsl)
10/25/2013	77	16.29KB		NOTICE of Change of Address/Contact Information by Gillian Dale (Dale, Gillian) (Entered
11/15/2013	78	56.57KB		USCA ORDER AND JUDGMENT as to 72 Notice of Appeal filed by Scott Hart : AFFIRM the Mandate) (dbrow,) (Entered: 11/15/2013)
12/27/2013	79	34.80KB		ORDER of USCA as to 72 Notice of Appeal filed by Scott Hart. Appellants petition for rehe (Entered: 12/27/2013)
01/06/2014	80	31.40KB		MANDATE of USCA as to 72 Notice of Appeal filed by Scott Hart : (USCA Case No. 13-1

Footer format: <pagenum>
(Numbers, letters, spaces, and <pagenum> only)

Include full docket sheet
Include abridged docket sheet

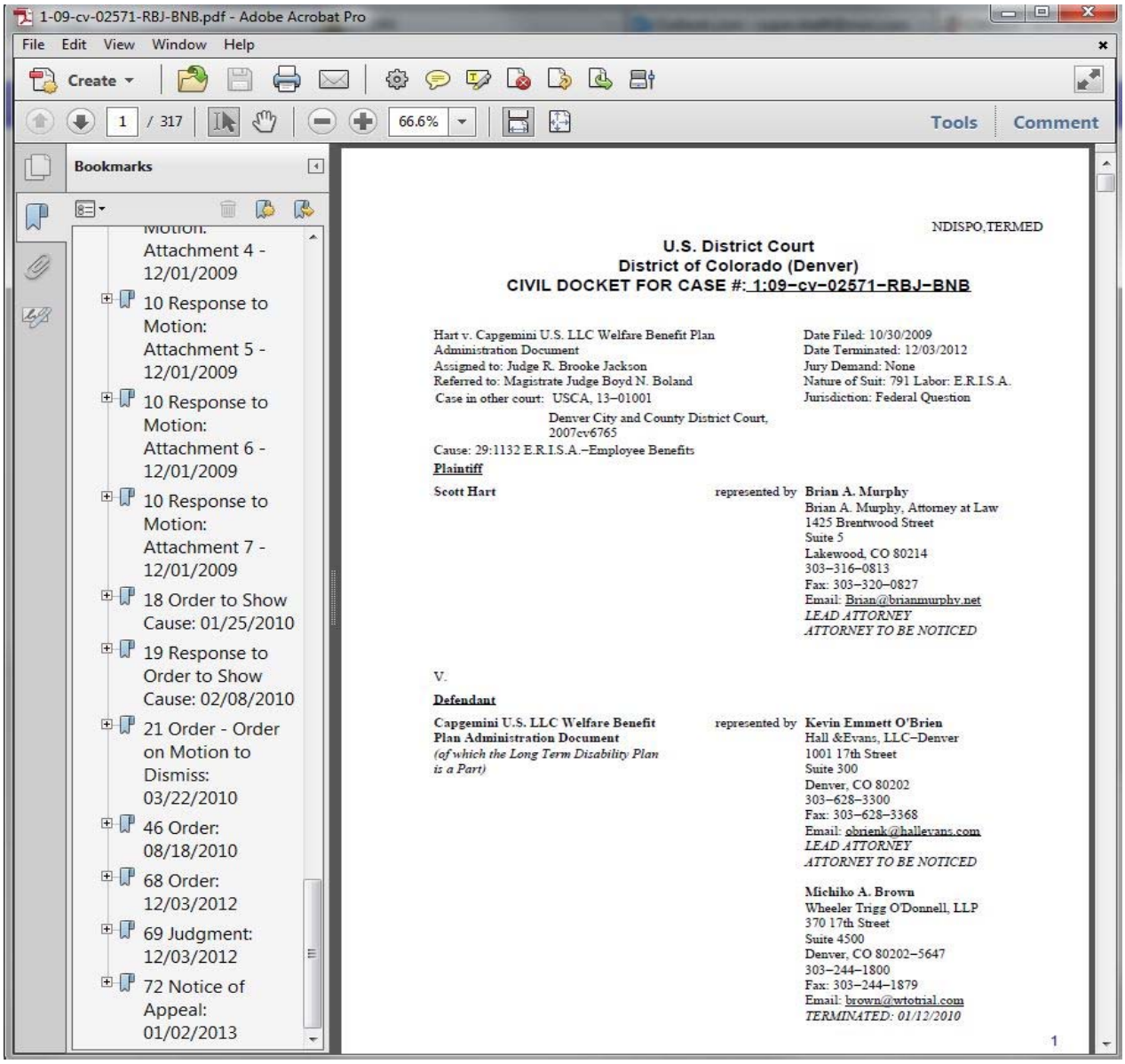
Include documents in Appendix
Include document hyperlinks in Appendix

View Selected
or
Download Selected

Total filesize of selected documents (MB): 14.36273
Maximum filesize allowed (MB): 35

8. The **Total file size of selected documents (MB)** is displayed on the bottom of the page. This court has a 10 MB file size limit per attachment. Larger file sizes will take much longer to upload. As a result, you must pay close attention to the file size. You may de-select documents to reduce the file size and create multiple volumes of appendices.

9. Click **Download Selected** to generate the Appendix as a PDF document.



10. The docket sheet will be the first document of the appendix, followed by the pleadings. The bookmarks for the appendix will appear on the left side. It may be necessary to edit the bookmarks to correctly identify the pleadings.

11. Once any necessary changes are made, save the appendix for filing.

V. ECF EVENT & RELIEF CATEGORY BREAKDOWN
10th CIRCUIT COURT OF APPEALS
January 2015

If you are unable to locate an event/relief code for the pleading you are filing, please contact the clerk's office (303/844-3157) for assistance. Items with an asterisk (*) will need to have a relief code entered on a subsequent screen.

ECF EVENT CODES

1. Attorney Discipline
    a. Attorney Discipline Response Filed

2. Preliminary Appeal Documents
    a. File a Designation of Record
    b. File a Docketing Statement
    c. File a Transcript Order Acknowledgment Form
    d. File an Entry of Appearance
    e. File an Errata Sheet to a Docketing Statement
    f. File Notice of Non-Participation
    g. File Notice That Transcript is Unnecessary
    h. File Notice That Transcripts are Already on File in District Court

3. Release in a Criminal Case
    a. Appellant's Bail Memo Brief
    b. Appellee's Bail Memo Brief
    c. Appellee/Respondent's Notice That No Brief Will Be Filed
    d. File a Motion (*)

4. Filing a Motion/Application/Response
    a. File a Motion (*)
    b. File a Proposed Judgment (App. For Enforcement only)
    c. File a Reply
    d. File a Response
    e. File a Stipulation to Dismiss (*)
    f. File an Answer (App. For Enforcement only)

5. Filing a Brief and Appendix
    a. Appellant's Appendix
    b. Appellant's Bail Memo Brief

c. Appellant's Jurisdiction Memo Brief
d. Appellant's Opening Brief
e. Appellant's Reply Brief
f. Appellant's Supplemental Brief
g. Appellee's Appendix
h Appellee's Bail Memo Brief
i. Appellee's Jurisdiction Memo Brief
j. Appellee's Notice That No Brief Will Be Filed
k. Appellee's Response Brief
l. Appellee's Supplemental Brief
m. Brief per Anders v. California
n. Cross-Appeal 1st Brief
o. Cross-Appeal 2nd Brief
p. Cross-Appeal 3rd Brief
q. Cross-Appeal 4th Brief
r. Death Penalty Appellant's Opening Brief
s. Death Penalty Appellant's Reply Brief
t. Death Penalty Appellee's Response Brief
u. Errata Sheet to a Brief
v. Corporate Disclosure Statement
w. Joinder to a Brief
x. Supplemental Appendix

6. Suppl. Auth. Per Fed. R. App. P. 28(j)
a. File a Reply
b. File a Response
c. File a Supplemental Authority- 28(j) Letter

7. Amicus/Intervenor's Motions/Briefing
a. File a Motion (*)
b. File a Motion to Become an Amicus Curiae (*)
c. File a Notice of Intervention
d. File a Reply
e. File a Response
f. File an Amicus Curiae Brief
g. File Intervenor's Brief

8. Oral Argument
a. File a Motion(*)
b. File a Reply
c. File a Response

d. File Custody Status Form
e. File Oral Argument Acknowledgment Form

9. Rehearing Petition
   a. File a Motion(*)
   b. File a Petition for Rehearing(*)
   c. File a Reply
   d. File a Response

10. Bill of Costs
   a. File a Bill of Costs
   b. File a Reply
   c. File a Response

11. Fee Payment for Original Proceeding
   a. Pay Fee for Petition for Review
   b. Pay Fee for Writ of Mandamus

12. Other
   a. Attorney Disciplinary Response
   b. Errata Sheet to a Brief
   c. File a Certificate of Service
   d. File a Certified List in Agency Matters
   e. File a Notice of Change of Address
   f. File a Status Report
   g. File Errata Sheet to a Docketing Statement
   h. File Case Management Statement of Issues
   i. File Corporate Disclosure Statement
   j. File Notice of Automatic Bankruptcy Stay
   k. File Notice of Non-Participation
   l. Joinder to a Brief

13. Sealed Briefs and Motions
   a. File a Sealed Proposed Litigation Budget
   b. File a Motion Under Seal (*)
   c. File Sealed Appellant's Opening Brief
   d. File Sealed Appellant's Reply Brief
   e. File Sealed Appellee's Response Brief
   f. File Sealed Cross-Appeal 1st Brief
   g. File Sealed Cross-Appeal 2nd Brief
   h. File Sealed Cross-Appeal 3rd Brief

i. File Sealed Cross-Appeal 4th Brief
j. File Sealed Docketing Statement
k. File Sealed Response

ECF RELIEF CODES

Note: all reliefs are accessible by selecting “all reliefs” from the Category drop-down menu.

1. Abeyance
    a. abate case
    b. certify question of state law
    c. extension of time to file response

2. Add/Withdraw Party-Attorney
    a. appoint attorney
    b. dismiss party
    c. extension of time to file response
    d. leave to file amicus brief
    e. leave to file intervenor brief
    f. substitute a party
    g. substitute counsel
    h. withdraw as attorney of record

3. Briefing
    a. abate case
    b. application for certificate of appealability
    c. consolidate briefs
    d. defer filing of appendix
    e. exemption from electronic appendix
    f. expedite case
    g. extension of time to file 1st cross-appeal brief
    h. extension of time to file 2nd cross-appeal brief
    i. extension of time to file 3rd cross-appeal brief
    j. extension of time to file 4th cross-appeal brief
    k. extension of time to file certificate of appealability
    l. extension of time to file response
    m. extension of time to file amicus brief
    n. extension of time to file appellant’s memo brief
    o. extension of time to file appellant’s opening brief
    p. extension of time to file appellant’s reply brief
    q. extension of time to file appellee’s brief
    r. extension of time to file appellee’s memo brief
    s. extension of time to file enforcement of plea agreement

t. extension of time to file intervenor brief
u. for stay
v. leave to file brief out of time
w. leave to file an appendix
x. leave to file consolidated briefs
y. leave to file corrected/substitute brief
z. leave to file motion out of time
aa. leave to file oversized brief
bb. leave to file single copy of appendix and waive service
cc. leave to file supplemental appendix
dd. leave to file supplemental brief
ee. leave to proceed on record on appeal
ff. remand appeal
gg. seal a pleading
hh. strike a pleading
ii. submit appeal on the briefs
jj. supplement the record on appeal
kk. unseal a pleading
ll. vacate order/argument

4. Consolidation
a. consolidate appeals
b. consolidate briefs

5. Dispositive
a. dismiss appeal
b. extension of time to file response
c. extension of time to file motion to dismiss
d. remand appeal

6. Fee
a. extension of time to file fees/1915 forms
b. extension of time file fees/IFP forms
c. extension of time to pay filing fee
d. leave to proceed IFP
e. leave to proceed pursuant to 1915

7. Miscellaneous
a. enforce plea agreement
b. enlarge time for oral argument
c. expedite case

d. extension of time to file motion to dismiss
e. for release pending appeal
f. for stay
g. injunction pending appeal
h. leave to allow amicus to participate at oral argument
i. leave to argue via videoconference
j. leave to file a reply
k. leave to file motion out of time
l. leave to file a single copy of appendix and waive service
m. reconsider
n. release oral argument recording
o. remand appeal
p. request for attorneys fees
q. request for preliminary injunction
r. reschedule case management conference
s. reschedule oral argument
t. seal a pleading
u. strike a pleading
v. submit appeal on the briefs
w. unseal a pleading
x. vacate order/argument
y. waive pleading/requirement

8. Preliminary Materials
a. application for certificate of appealabilty
b. extension of time to file designation of record
c. extension of time to file docketing statement
d. extension of time to file enforcement of plea agreement
e. extension of time to file fee/IFP forms
f. extension of time to file notice of appearance
g. extension of time to file transcript
h. extension of time to file transcript order form
i. extension of time to pay filing fee
j. file designation of record out of time
k. file docketing statement out of time
l. for release pending appeal
m. for stay
n. injunction pending appeal
o. leave to proceed IFP
p. leave to proceed pursuant to 1915
q. request for preliminary injunction

9. Record On Appeal

a. defer filing of appendix
b. exemption from electronic appendix
c. extension of time to file agency record on appeal
d. extension of time to file transcript
e. extension of time to file transcript order form
f. leave to file appendix
g. leave to file single copy of appendix and waive service
h. leave to file supplemental appendix
i. leave to proceed on record on appeal
j. request to borrow record on appeal
k. supplement record on appeal

10. Rehearing/Post Disposition

a. extension of time to file response
b. extension of time to file petition for rehearing
c. leave to file petition for rehearing out of time
d. petition for panel rehearing
e. recall mandate
f. reinstate appeal
g. request for attorneys fees
h. request for rehearing en banc
i. request to publish court's opinion
j. stay the mandate

WHERE TO GET HELP

A. If you make a mistake when filing, or have questions about the Electronic Filing procedures or rules, please contact the clerk's office by telephone (303-844-3157) or via email (10th_circuit_clerk@ca10.uscourts.gov). Clerk's office hours are 8:00 a.m. to 5:00 p.m. Monday- Friday MST.

B. Questions about PACER and/or technical questions or requests for technical assistance should be directed to PACER (telephone number 800-676-6856). PACER Service Center hours are 8:00 a.m. to 6:00 p.m. Monday- Friday CST.

VI. FREQUENTLY ASKED QUESTIONS

If you have a CM/ECF question and cannot find the answer here, please feel free to contact the clerk's office at 303-844-3157. Please contact the PACER Service Center at 800-676-6856 for any technical questions or requests for technical assistance.

1. What documents may be filed using CM/ECF? What documents may not be filed?
Counsel must file all documents with the court using CM/ECF with the exception of ex parte pleadings. In addition, please note that while you may not open a new appeal via ECF you have the option to submit petitions for agency review, petitions for permission to appeal, and original writs using CM/ECF. Notices of appeal will continue to be forwarded by the trial courts. Original and agency matters may be submitted via ECF, in paper form, or via email to 10th_Circuit_Clerk@ca10.uscourts.gov.

2. Do I need to send the clerk a paper copy of a document filed through CM/ECF?
No, with the exception of briefs, appendices, and petitions for rehearing en banc. You must provide the court with seven hard copies of any brief filed, one hard copy of any appendix, and 12 hard copies of any petition for rehearing en banc filed. The hard copies must be received within 2 business days of filing via ECF (please note any party who receives an exemption from the electronic appendix rule must submit two hard copies of the appendix).

3. Does my document need a certificate of service?
Yes. A certificate of service is required for all filings. The certificate should be the last page of the document.

4. Am I required to serve a copy of my document on the other side, or does my filing through CM/ECF fulfill that requirement?
You may effect service using ECF for all parties who are registered ECF participants. Parties and counsel should note, however, that the duty for confirming service remains with the party serving the pleading. When the opposing party is not an ECF participant, service must be effected through traditional means.

5. The opposing party/attorney is not participating in CM/ECF. How do I serve them?
When the opposing party/attorney is not an active participant in CM/ECF, you must serve them in the traditional manner (generally through service of a hard copy via regular mail). *See* Federal Rule of Appellate Procedure Rule 25(c)(1); 10th Cir. R. 25.4. You can determine whether a case participant can be served via CM/ECF by looking at the Notice

of Docket Activity sent to you, by reviewing the docket sheet in PACER, which contains all noticing information for parties/attorneys, or by utilizing the "Service Method Report" available in ECF under the "Reports" drop-down menu.

6. I am a pro se party in an appeal. Am I required/expected to file my documents through CM/ECF?
Pro se parties are not required to file documents with the court using CM/ECF. Should a pro se party wish to do so, however, he/she can file a motion with the court requesting permission to file electronically in a specific case. A motion is required. An order granting the motion will be a prerequisite to filing via the court's ECF system. If an order granting the request issues, the pro se party may register to use CM/ECF.

7. Can I view pro se filings through CM/ECF and PACER?
Yes. The clerk's office will scan all pro se filings and will attach them to the relevant docket entries as PDFs.

8. What is a Notice of Docket Activity?
A Notice of Docket Activity (NDA) is a notice sent via email that is generated when a docket transaction requires that notice be sent to attorneys, case participants, and/or court personnel. NDAs can be generated when a party or attorney files a document with the clerk's office or when the court enters an order or takes other public action in a case. If you are a CM/ECF participant, your receipt of the NDA is service of that document or order, and registration in the CM/ECF system constitutes consent to receive service through the NDA. Generally, an NDA contains a hyperlink back to the court's docket sheet and the document in question. When parties receive an NDA they can click on the document and obtain a "free look" at the document. Because there is only one free look, parties should be sure to save the document upon that initial review. In the district court and bankruptcy court systems the NDA is called the Notice of Electronic Filing (NEF).

9. Why did I receive a second Notice of Docket Activity for my filing?
The clerk's office reviews all attorney filings as part of its quality control procedures. In the event a case manager finds an error or needs to modify the docket text for the event and filing, he/she will make the necessary changes and send a new Notice of Docket Activity to the case participants. If you receive a second Notice of Docket Activity and cannot determine the reason for the second Notice, please contact the clerk's office.

10. Can I receive a daily summary of all my notices, or am I required to receive a Notice of Docket Activity for every action or activity in my case(s)?
PACER gives you the option of receiving a daily summary or individual event noticing. The default is individual event noticing, but you can change that by updating your account information at the Pacer Service Center under "Filer Account Update." If you prefer a

daily summary, select “Daily Summary” instead of “Each Transaction” on the “Notice of Docket Activity Frequency” option.

11. I am not shown as an attorney in the case, but I want to file on behalf of one of the parties in the appeal. How do I do that?
The clerk’s office relies on the notice of appeal and district court docket sheet when opening a new appeal and setting up the party and attorney information. In some instances that information is not complete or may change after the appeal is opened, and you may need to be added as an attorney in the case. Until you are added as an attorney in the case, you will not receive NDAs from the court nor will you be able to file any documents other than an entry of appearance. Once you have filed an entry of appearance in the appeal and the court has reviewed that pleading, you will be eligible to receive NDAs and to file further documents in the appeal. Remember, you must register with the PACER service center as an appellate filer and receive a CM/ECF login/password before you can use CM/ECF (please note appellate registration is distinct and is required even if you have registered for the district court proceedings). In addition, please note that because court review of entries of appearance is required, you will not be able to file as a new attorney until that review is completed.

12. I want to enter my appearance in an appeal. How do I do that?
You must be an authorized appellate CM/ECF user with a valid Tenth Circuit CM/ECF login and password in order to file an entry of appearance or any other pleading. Authorized users may complete the entry of appearance form found in the “Forms” section of the court’s website. Save the form to your computer, complete it, and attach it in PDF format to the “Notice of Appearance Filed” docketing event/option in the court’s CM/ECF system. Information on how to docket pleadings is available via the ‘Help’ drop-down menu accessible in the top menu bar, as well as in the court’s “CM/ECF User’s Manual.”

13. I want to file a document under seal. How do I do that?
After logging into CM/ECF and entering your appeal number, you must select the “Sealed Briefs and Motions” category. These events were specifically designed to seal all pleadings filed in this category. You may file a sealed motion, response, or brief in this manner. Failure to select the “Sealed Briefs and Motions” category will result in your pleading being filed as a public document. Please contact the clerk’s office if you have any questions.

14. I made a mistake, such as filing in the wrong case or submitting an incorrect document. What should I do?
You cannot delete events or documents, nor can you make changes to completed docketing events. If you have made an error, contact the clerk’s office. Our office will delete the document and modify the docket text to reflect what has been done. You may

then re-file the document using the regular CM/ECF filing procedures. Parties and counsel should be aware the court will not automatically extend the deadline for filing in the event of user error.

15. I am unable to view a pleading in a Social Security case or in an immigration petition for review. Is there a problem?

There is no problem. Electronic access to pleadings filed in Social Security and immigration cases is restricted to the attorneys or parties in the case in order to protect the privacy of the individuals involved. You may review materials from these cases in person in the clerk's office. *If you are a party or attorney in the case, please note that you can access documents in these proceedings only through the use of your CM/ECF filer ID and password. You will not be able to access them through your PACER ID and password (that is, the PACER viewing account).* ***Please see the court's CM/ECF User's Manual at page 13 for additional information on using the CM/ECF filer ID and password.***

16. I represent a party that wants to be added to an appeal, such as an amicus. How do I do that?

After logging into CM/ECF and entering your appeal number, you must select the "Amicus/Intervenor's Motions/Briefing" category. You must either select the "Motion to Become an Amicus Curiae" or "File an Amicus Curiae Brief." If you are moving to intervene in an appeal, you must choose "File a Notice of Intervention." You must enter the name of the party(s) filing the pleading when you are docketing the selected event.

17. What help is available for CM/ECF?

The court has created a User Manual to aid attorneys using ECF. The manual is available on the court's website at www.ca10.uscourts.gov. In addition, we have created training modules which are available in both interactive and printable form. Those modules can also be found on the court's website under the "Court Docket and E-filing" tab. We strongly encourage counsel to review all available training modules before filing in the ECF system.

You may also contact the clerk's office for assistance with filing. If you are having difficulty registering for CM/ECF or have questions about your PACER or CM/ECF accounts, you should contact the PACER Service Center at 800-676-6856. If you need to modify or update either your PACER or CM/ECF accounts, you may do so at the PACER website: https://pacer.gov
The PACER Service Center maintains extensive lists of FAQs for both PACER and CM/ECF. You may access them at the PACER website.

18. When is CM/ECF available?
The system is always available (except for routine or emergency maintenance), and you should be able to file anytime. Notices regarding down times for CM/ECF will be posted on our website. Filings completed before midnight Mountain Standard Time will be docketed as of that day. Please note filings received on Saturday, Sunday or a federal holiday will be considered filed on the next business day.

19. I am able to log in to CM/ECF, but I cannot see anything. What's going on?
Most likely, you simply need to update the version of JAVA that you have on your PC. Go to www.java.com and download the latest version of JAVA (it is a free download). Restart your PC and try again. We have found that 90% of the problems experienced with CM/ECF can be attributed to not having the proper version of JAVA loaded.

In addition, we have found CM/ECF issues are often attributed to the need for a more current version of the web browser. CM/ECF has been certified to work with Mozilla Firefox, Internet Explorer versions 8.x/9.x or higher, and Safari.

20. I need to file something but I cannot log in. What's going on?
Make sure that you are actually registered to use ECF for the 10th Circuit. Some people mistakenly believe that if they are registered for another circuit, they are automatically able to file in any circuit. ECF users must register for each circuit separately. Similarly, if you have an ECF login/password for a district court, you will also need to register to file in this circuit. Your district court log in will not allow you to do so.

Also, having a PACER login/password (i.e., a "viewing account") does not mean you are automatically registered for ECF. PACER and ECF are two separate entities, and separate registration is required for each. If you have forgotten your username and/or password, you must contact PACER. The court does not have access to that information.

FILED
United States Court of Appeals
Tenth Circuit

March 18, 2009

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

In re: Electronic Submission of Documents and Conversion to Electronic Case Filing	No. 95-01

GENERAL ORDER

Before **HENRY**, Chief Judge, **TACHA, KELLY**, **BRISCOE**, **LUCERO, MURPHY**, **HARTZ, O'BRIEN, MCCONNELL, TYMKOVICH, GORSUCH**, and **HOLMES**, Circuit Judges.

Introduction

On September 4, 2007, the court converted to a new electronic case management system. That conversion did not include, however, Electronic Case Filing (ECF) for counsel and litigants. Since that time, we have required counsel to submit materials via email for placement on the docket. On *March 31, 2009*, the United States Court of Appeals for the Tenth Circuit will transition to *voluntary* ECF. On *June 1, 2009*, ECF will become *mandatory* for counsel of record. This order outlines the broad requirements for filing in the new system. The court's *CM/ECF Users Manual*, which can be found at www.ca10.uscourts.gov, sets forth specific policies and procedures related to filing in the

new system.

I. General Requirements

It is essential that counsel seeking to file via ECF review carefully the technical and training information on the court's website. In addition to the required registration on Pacer, counsel must also confirm that certain technical requirements of the system are met. These requirements include, but are not limited to, obtaining the proper version of Java and Adobe software.

In addition, we urge all counsel to review the court's training materials, which include the comprehensive *CM/ECF Users Manual* and various software modules. These tools, which can be found on the court's website, provide a step-by-step guide to ECF. We have also provided a set of *Frequently Asked Questions*. As ECF registration and review of the training materials take time, we urge all counsel to prepare well in advance of the need to file pleadings.

Finally, counsel must review the file size of all submissions before proceeding in ECF. Documents filed with the court electronically are limited to 10 megabytes per uploaded file. More than one file may be uploaded to a particular entry (for attachments and the like) provided that the total file size for that entry does not exceed 50 megabytes.

II. Pleadings Filed

A. **Briefs**

Counsel filing via ECF may submit all briefs using the new system. In addition, however, within 2 business days of the filing, counsel *must* also submit to the clerk's

office *7 hard copies of the brief*. Briefs may contain, but are not required to contain, hyperlinks to cases and authorities. The brief itself must be filed in native pdf format.

Unless file size limitations are implicated, attachment(s) to briefs available in native pdf format must be included with the brief in the same pdf (that is, if the attachments required under 10th Cir. R. 28.2 are in native pdf they must be included with the brief in a single document and can be filed via ECF). Required attachments not available in native pdf may be submitted in scanned pdf format. If some of the required attachments are available in native pdf and some are not, all of the attachments may be scanned and attached separately to the entry. The ECF system allows counsel to attach additional files to the "brief filed" event.

In this regard, we note file size restrictions may require counsel to add attachments. Counsel should reference the *Users Manual* for instructions on how to submit attachments which are included in separate pdf files. As noted above, counsel must always ensure the documents meet the court's file size limitations.

B. **Appendices and Addenda**

Unlike all other pleadings, appendices and addenda must be submitted to the court *in hard copy only*. Specifically, this exception includes appendices and addenda filed per Federal Rules of Appellate Procedure 10 and 30 and 10th Circuit Rules 9.2(B), 10 and 30. These materials cannot be submitted via ECF at this time. Filers must submit *two hard copies* of these materials to the clerk's office. Where the appendix or addendum is due simultaneously with a motion or brief the hard copies *must be received in the clerk's office*

within 2 business days of the ECF filing.

C. **Other pleadings**

All pleadings, with the exceptions noted in Section II B of this order, must be submitted via ECF (with the caveat that ECF is voluntary until June 1, 2009, at which time it will become mandatory). Included are preliminary pleadings and materials, motions, notices, petitions for rehearing, cost bills and submissions per Federal Rule of Appellate Procedure 28(j). As noted above, the only materials exempt from ECF are appendices and addenda. All ECF pleadings must be filed in native pdf and must meet the size requirements of the system outlined in the *General Requirements* section of this order.

ECF users need not submit any additional hard copies of pleadings filed through the electronic system with two exceptions. Those exceptions include briefs, as outlined in Section II A, and petitions for rehearing en banc. Specifically, *within 2 business days* of the ECF filing counsel or litigants *must submit 7 hard copies* of any brief filed (including jurisdictional and memoranda briefs). Likewise, *within 2 business* days of filing a petition for rehearing en banc (please note, this requirement does not include petitions for panel rehearing) the ECF filer *must submit 18 copies of the en banc request*. *See* 10th Cir. R. 35.4.

As is the case with briefs, any attachments to motions or other pleadings not available in native pdf may be scanned and submitted as separate attachments to the ECF entry. The court prefers, however, that attachments be submitted in native pdf if possible. All attachments must adhere to the file size restrictions outlined in the *General*

Requirements section of this order.

D. **Sealed Materials**

The ECF system includes events specifically intended for use in submitting sealed materials. Counsel and litigants may file a sealed motion, response or brief. Any failure to select the "Sealed Briefs and Motions" category in ECF will result in a public, rather than private, submission. Counsel and litigants are responsible for ensuring that sealed materials are filed using these events. Parties seeking to submit a motion to seal materials simultaneously with the materials should use these events even if the motion is not submitted as sealed.

E. **Case Openings Including Original Proceedings**

Parties will not be allowed to initiate appeals or original proceedings in ECF. The clerk's office will open all appeals upon receipt of materials from the district courts, and will notify the parties via a Notice of Docket Activity. Likewise, the clerk's office will open all agency matters and original petitions and will then notify the parties. Once ECF is mandatory on June 1, 2009, case initiating materials for original proceedings and agency matters must be submitted to the court in hard copy form or via email to 10th_Circuit_clerk@ca10.uscourts.gov Until that date, parties may submit these materials in hard copy or via email to esubmission@ca10.uscourts.gov.

III. Pro Se Filers

All pro se litigants may continue to file documents in paper form. In a given case,

however, a pro se party who is a named appellant, petitioner, respondent or appellee may seek permission to file using ECF. Specifically, pro se litigants seeking permission to submit documents via ECF should file a motion for permission in hard copy form at the earliest opportunity. The motion should be filed in the proceeding in which the party seeks to file. If approved, the pro se filer will be authorized to submit documents via ECF in that matter only.

IV. Privacy Protection and Redactions

All filers are required to follow the privacy and redaction requirements of Fed. R. App. P. 25(a)(5), as well as applicable federal rules of civil procedure, criminal procedure and the relevant bankruptcy rule. *See* Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037. Required redactions include social security numbers and taxpayer identification numbers (filers may disclose the last four digits of a social security or tax identification number), birth dates (use year of birth only), minors' names (initials may be used), and financial account numbers (except those identifying property allegedly subject to forfeiture in a forfeiture proceeding). It is the *sole responsibility* of the filer to redact pleadings appropriately.

V. Digital Signatures and Certification

A. **Digital Signature**

All ECF submissions requiring a signature shall be signed in the following manner:

s/ Attorney (or where applicable, pro se party)
Street Address

Telephone Number
Email Address

B. **Certification**

In addition to a certificate of service, all ECF pleadings shall include certification that:

(1) all required privacy redactions have been made;

(2) if required to file additional hard copies, that the ECF submission is an exact copy of those documents;

(3) the ECF submission was scanned for viruses with the most recent version of a commercial virus scanning program (naming the program, version, and the date of the most recent update), and, according to the program is free of viruses.

C. **Service Requirements**

Effective June 1, 2009 when ECF becomes mandatory for all counsel of record, the Notice of Docket Activity generated by the Court's ECF system will constitute effective service of the filed document on system participants. Pleadings must, however, still include a certificate of service stating that service was effected via the ECF system. Pro se parties who are not registered to be served through the system must receive service in some other appropriate manner. For information regarding how to determine who is a system participant, please refer to the court's CM/ECF *Users Manual*.

Prior to June 1 2009, when ECF is voluntary, parties electing to use ECF may use Notices of Docket Activity for service provided they comply with the general service rules

(i.e., that a certificate of service is included in the pleading and that filers confirm everyone in the case is served in the manner they wish–ECF for those who are registered but email or hard copy for those who are not). Counsel and parties should consult the court's *CM/ECF User's Manual* for additional information on service requirements.

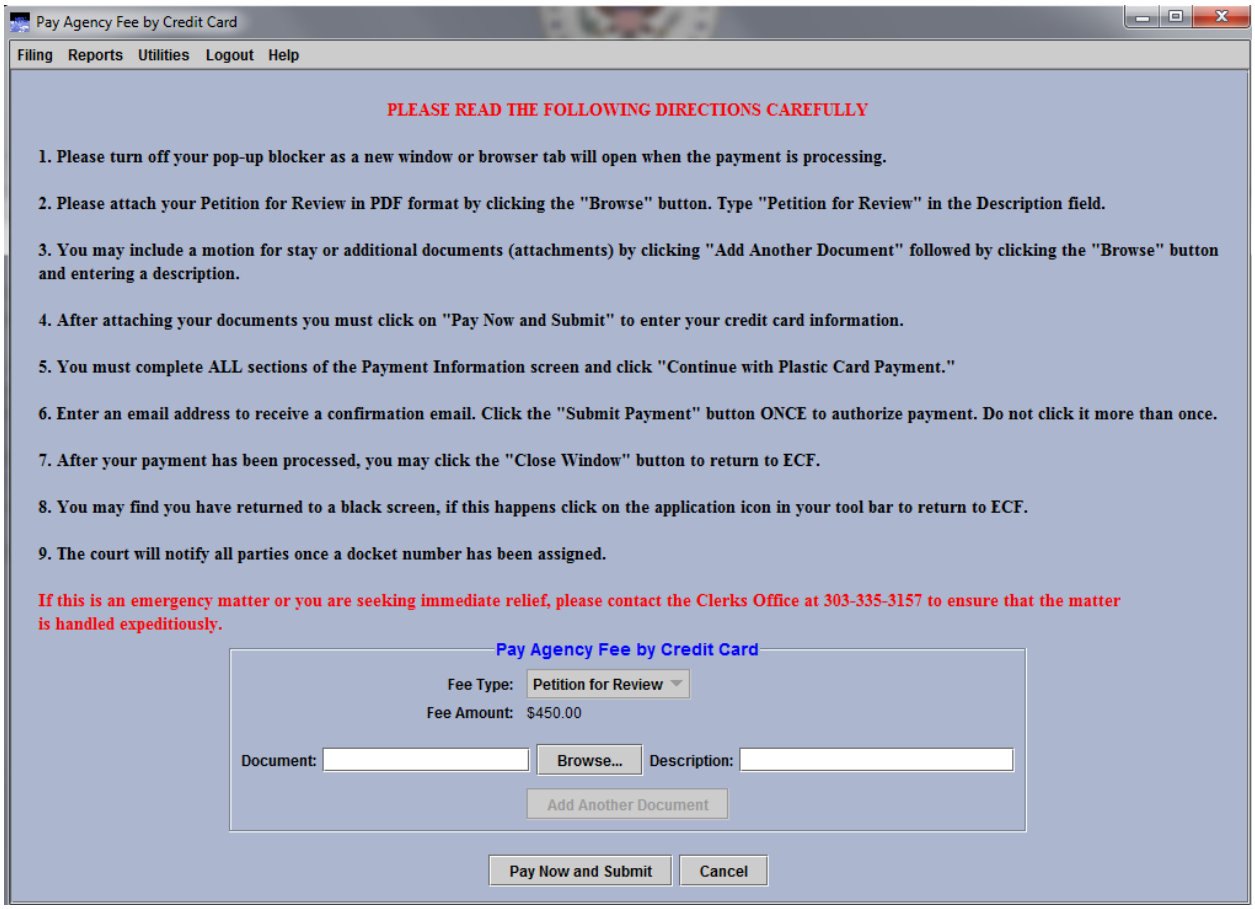
Entered for the Court,

ELISABETH A. SHUMAKER
Clerk of Court

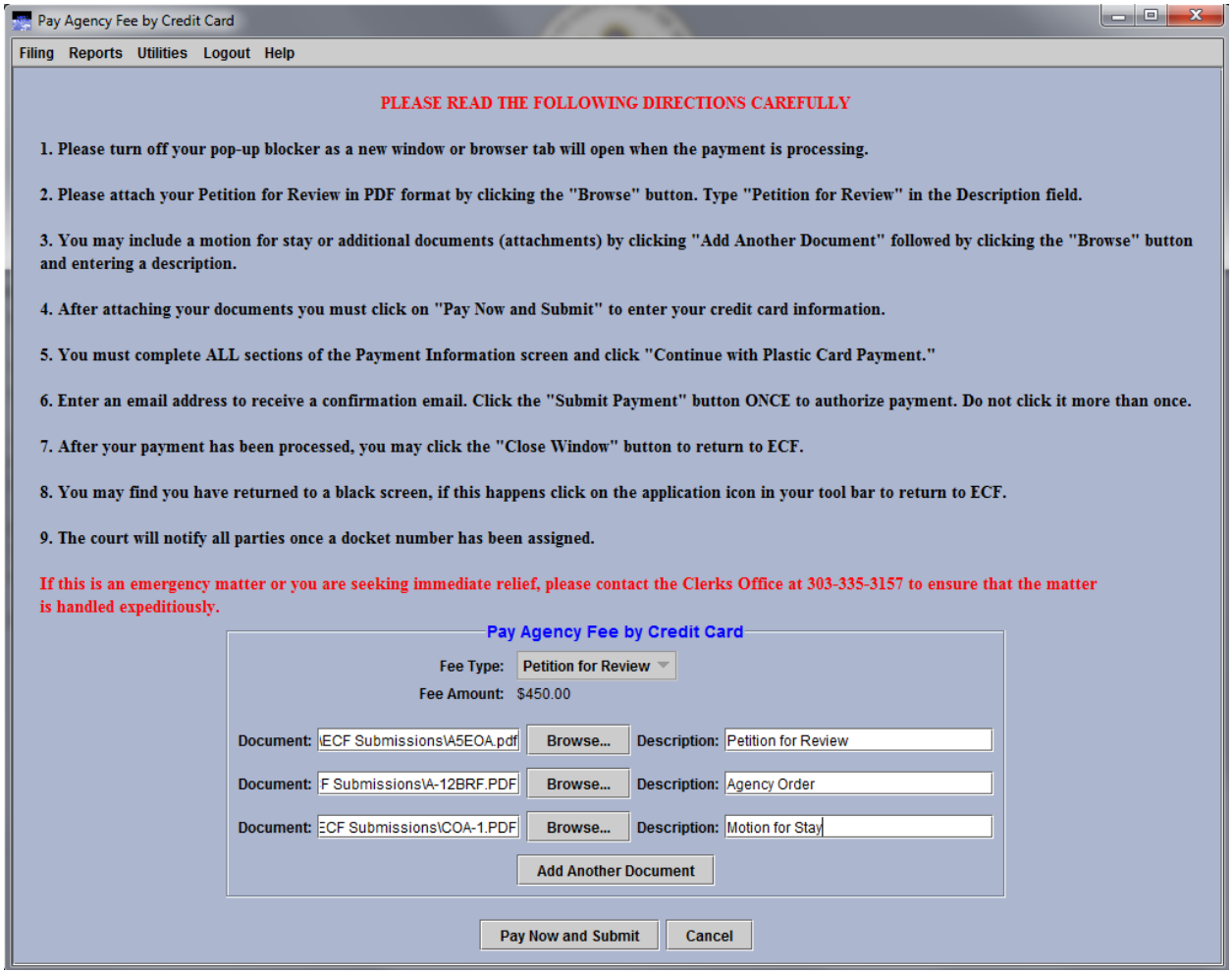
VIII. HOW TO SUBMIT AN ORIGINAL PROCEEDING WITH FEE PAYMENT

The court's Electronic Case Filing (ECF) application may be used to submit your agency petition for review, or writ of mandamus, along with a fee payment using Pay.gov. **You must be a registered ECF user with this court to submit the petition and/or payment.**
Before you start, please turn off any pop-up blockers that would prevent you from seeing the payment processing page. The payment window from Pay.gov opens in a new browser window or browser tab. In addition, make sure you have your agency petition or mandamus and any supporting documents ready to upload. All documents must be in searchable PDF format and each PDF must not exceed 10 MB in size.
NOTE: If you seek emergency relief you must also contact the clerk's office via phone at 303-335-3157 during regular business hours.

1. On the start-up page after logging into ECF, select Utilities to see the submission options. Select ***Open New Agency Review Proceeding*** or ***Open New Mandamus Proceeding***.
2. After making your selection, you have the option to select either submit the petition and ***Pay Agency/Mandamus Fee by Credit Card*** or submit the petition and ***Address Agency/Mandamus Fee Later***.
3. In this example, we will use Pay Agency Fee by Credit Card to submit a payment with an agency petition for review (note: the steps for filing a petition for a writ of mandamus are essentially identical to what is outlined here).
4. The Pay Agency Fee by Credit Card window will open in a new window and look similar to the image below. Please read the directions on the screen carefully before proceeding with your petition submission and payment.



5. After carefully reading the on-screen directions, click the ***Browse*** button to select your PDF attachments.
    a. Search for the PDF file that contains your agency petition.
    b. Select the appropriate file and click the ***Open*** button.
6. In the Description field for the document, type the word “Petition for Review” as the description of the PDF.
7. Click ***Add Another Document*** and repeat steps 5 and 6 if you need to attach further documentation or attachments. Please remember to include a description for any additional attachments.



8. After attaching your documentation, click the ***Pay Now and Submit*** button to begin the submission of the credit card payment. You will now be connected to Pay.gov. A new browser window or browser tab will open allowing you to enter and submit your credit card information.

Option 2: Pay Via Plastic Card (PC) (ex: VISA, Mastercard, American Express, Discover)

Required fields are indicated with a red asterisk *

Account Holder Name: Julie Tester *
Payment Amount: $225.00
Billing Address: 1234 Tester Avenue *
Billing Address 2:
City: Denver
State / Province: Colorado - CO
Zip / Postal Code: 80237
Country: United States *
Card Type: * VISA MasterCard AMEX DISCOVER
Card Number: * *(Card number value should not contain spaces or dashes)*
Security Code: * Help finding your security code
Expiration Date: * / *
Attorney Name: *
Contact Telephone Number: *
Person Completing Transaction: *

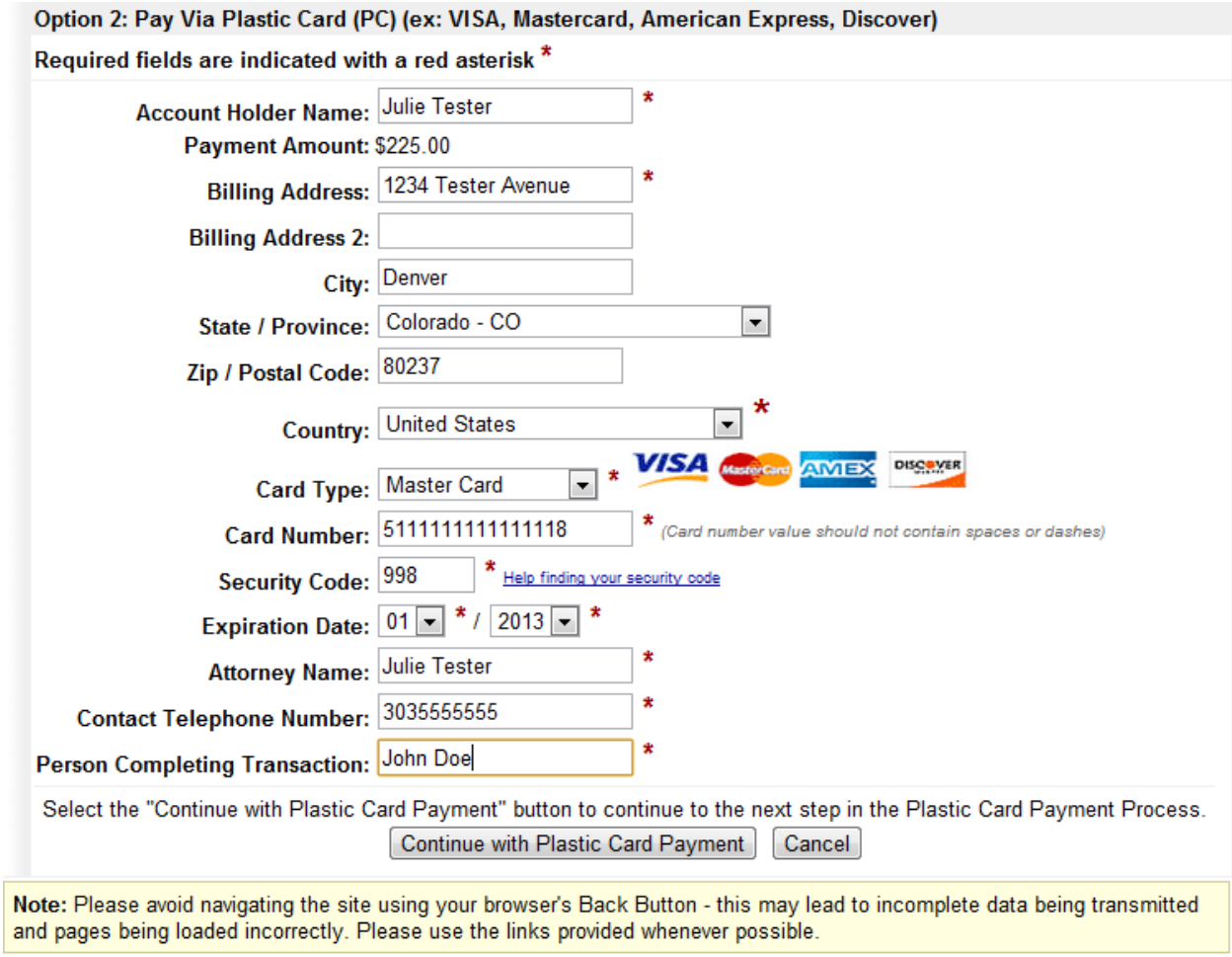
Select the "Continue with Plastic Card Payment" button to continue to the next step in the Plastic Card Payment Process.

Continue with Plastic Card Payment | Cancel

Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.

9. Verify and change the information in the Account Holder Name field and the billing address fields as needed.
   CAUTION: The name and address shown here are the name and address associated with your appellate ECF account. If you are using a credit card that is not associated with this address, you must update the billing address fields.
10. Complete the Card Type, Card Numbers, Security Code and Expiration Date fields.
11. In the Attorney Name field, type the name of the attorney who is submitting the petition and payment.
12. Complete the Contact Telephone Number and Person Completing Transaction fields so that the court may contact you if there are any issues with the payment.

13. Click the ***Continue with Plastic Card Payment*** button.



14. On the Authorize Payment page, review all the payment information for accuracy. You may click the Edit this Information link to make any necessary changes.
15. Complete the Email Address, Confirm Email Address and CC fields. Completing these fields will allow you to receive a payment confirmation email after the payment has been processed.
16. Select the checkbox under Authorization and Disclosure.

Online Payment Return to your originating application

Step 2: Authorize Payment 1 | 2

Payment Summary Edit this information

Address Information		Account Information		Payment Information	
Account Holder Name:	Julie Tester	**Card Type:**	Master Card	**Payment Amount:**	$225.00
Billing Address:	1234 Tester Avenue	**Card Number:**	**********1118	**Transaction Date and Time:**	12/13/2011 14:04 EST
Billing Address 2:		**Attorney Name:**	Julie Tester		
City:	Denver	**Contact Telephone Number:**	3035555555		
State / Province:	CO	**Person Completing Transaction:**	John Doe		
Zip / Postal Code:	80237				
Country:	USA				

Email Confirmation Receipt

To have a confirmation sent to you upon completion of this transaction, provide an email address and confirmation below.

Email Address: clerk@ca10.uscourts.gov

Confirm Email Address: clerk@ca10.uscourts.gov

CC: *Separate multiple email addresses with a comma*

Authorization and Disclosure

Required fields are indicated with a red asterisk *

I authorize a charge to my card account for the above amount in accordance with my card issuer agreement. ☑ *

Press the "Submit Payment" Button only once. Pressing the button more than once could result in multiple transactions.

Submit Payment Cancel

Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.

17. Click the ***Submit Payment*** button only once. You MUST wait for Pay.gov to process your payment. Do not click the button again.
18. The following screen will appear indicating your payment has been accepted. You may print this screen as a receipt. A copy will be emailed to the email addresses you provided on the previous screen.

Your payment is complete, and your request has been sent to the court. Click here to print this receipt.

Transaction ID: 10-35470-278
Payment Date: 08/29/2012
Amount: $450.00
Fee Type: Petition for Review

You can click the *Close Window* button and log out of CM/ECF.

Close Window

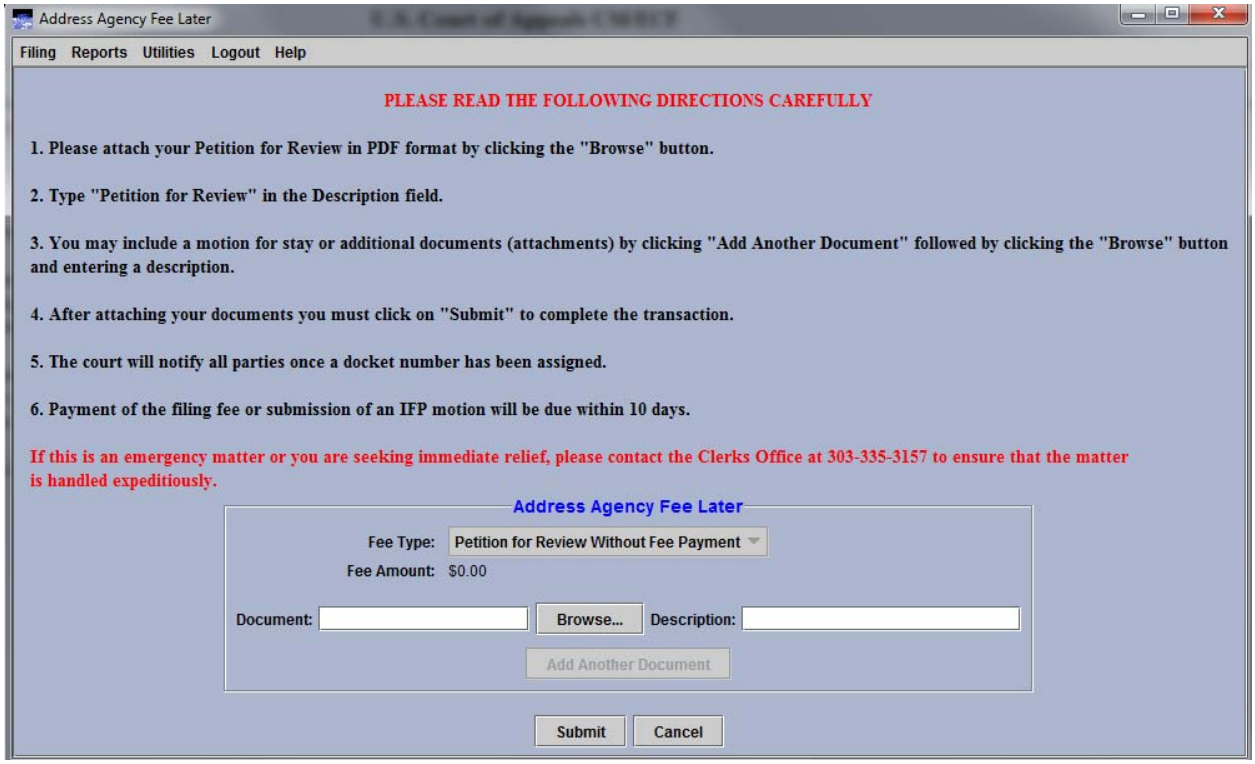
19. Click on the ***Close Window*** button to return to the ECF application.
20. You may find you have returned to a black screen. If this happens, click on the ECF application icon in your tool bar and you will return to ECF.
21. You may now continue with other ECF activity or simply log out of ECF.

The court's Electronic Case Filing (ECF) application may be used to submit an agency petition for review or petition for writ of mandamus/prohibition without paying the filing fee immediately. **You must be a registered ECF user with this court to submit the petition.**
Make sure you have your agency petition or mandamus petition and any supporting documents ready to upload. All documents must be in searchable PDF format and each PDF must not exceed 10 MB in size.
The following sections outline how to electronically file a petition with the court without submitting immediate payment, and how to electronically submit payment for an existing petition.

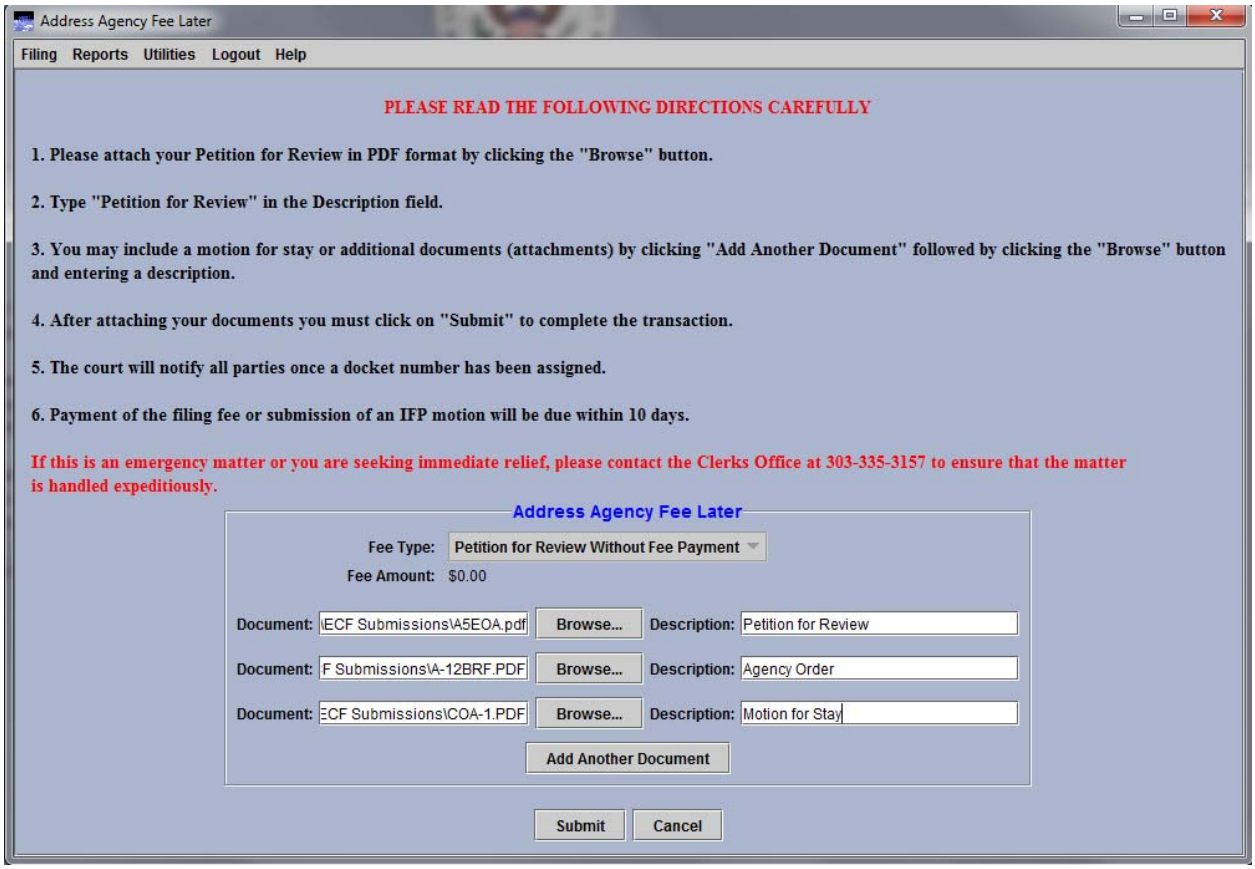
NOTE: If you seek emergency relief you must also contact the clerk's office via phone at 303-335-3157 during regular business hours.

HOW TO FILE A PETITION WITH THE COURT WITHOUT SUBMITTING IMMEDIATE PAYMENT

1. On the start-up page after logging into ECF, select Utilities to see the submission options. Select ***Open New Agency Review Proceeding*** or ***Open New Mandamus Proceeding***.
2. After making your selection, you have the option to select either submit the petition and ***Pay Agency/Mandamus Fee by Credit Card*** or submit the petition and ***Address Agency/Mandamus Fee Later***.
3. In this example, we will use the Address Agency Fee Later option to submit an agency petition for review without immediately paying the filing fee (note: the steps for filing a petition for a writ of mandamus without immediately paying the filing fee are essentially identical to what is outlined here).
4. The Address Agency Fee Later window will open in a new window and look similar to the image below. Please read the directions on the screen carefully before proceeding with your petition submission.



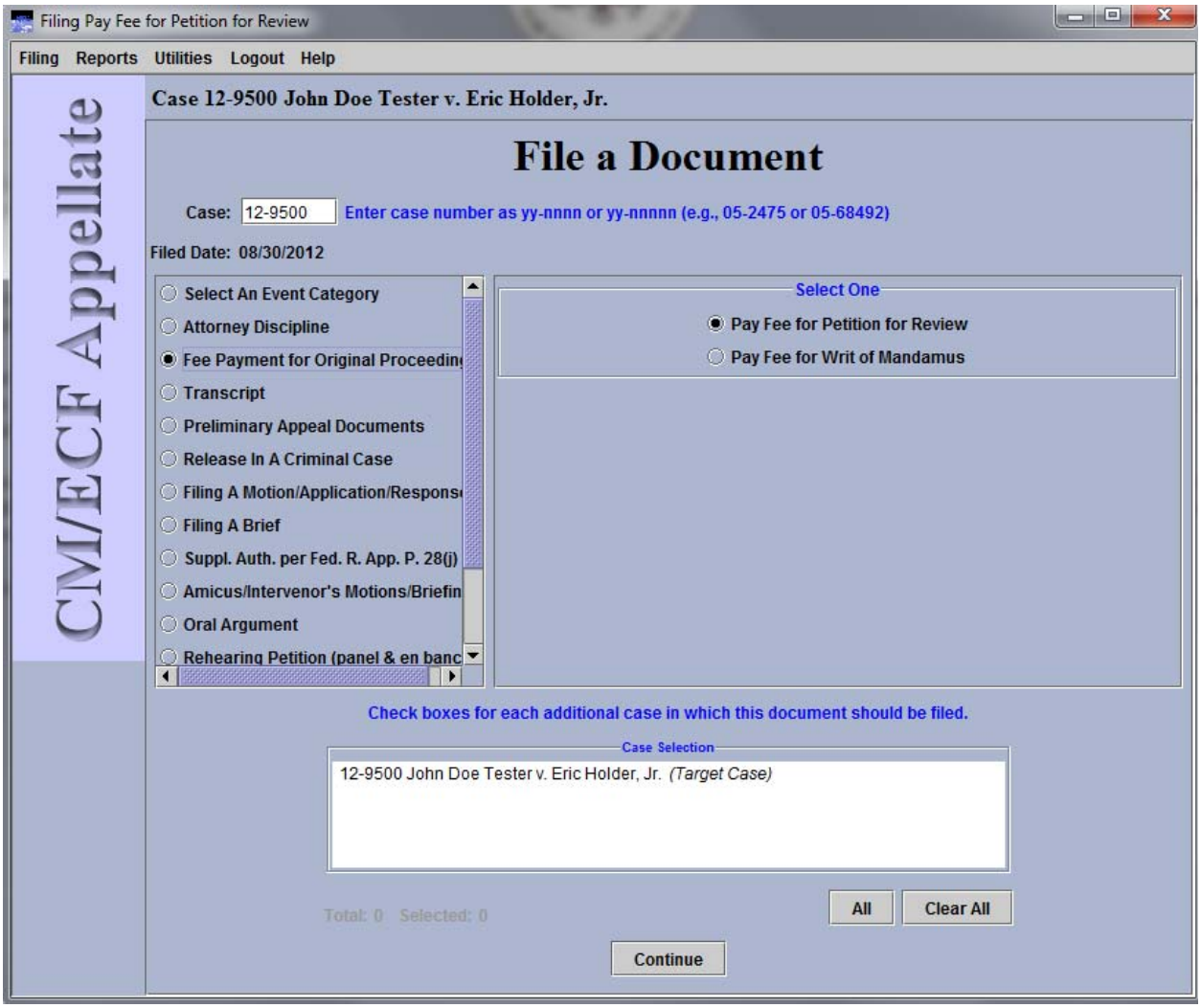
5. After carefully reading the on-screen directions, click the ***Browse*** button to select your PDF attachments.
    a. Search for the PDF file that contains your agency petition.
    b. Select the appropriate file and click the Open button.
6. In the Description field for the document, type the word “Petition for Review” as the description of the PDF.
7. Click ***Add Another Document*** and repeat steps 5 and 6 above if you need to attach further documentation or attachments. Please remember to include a specific description for any additional attachments.



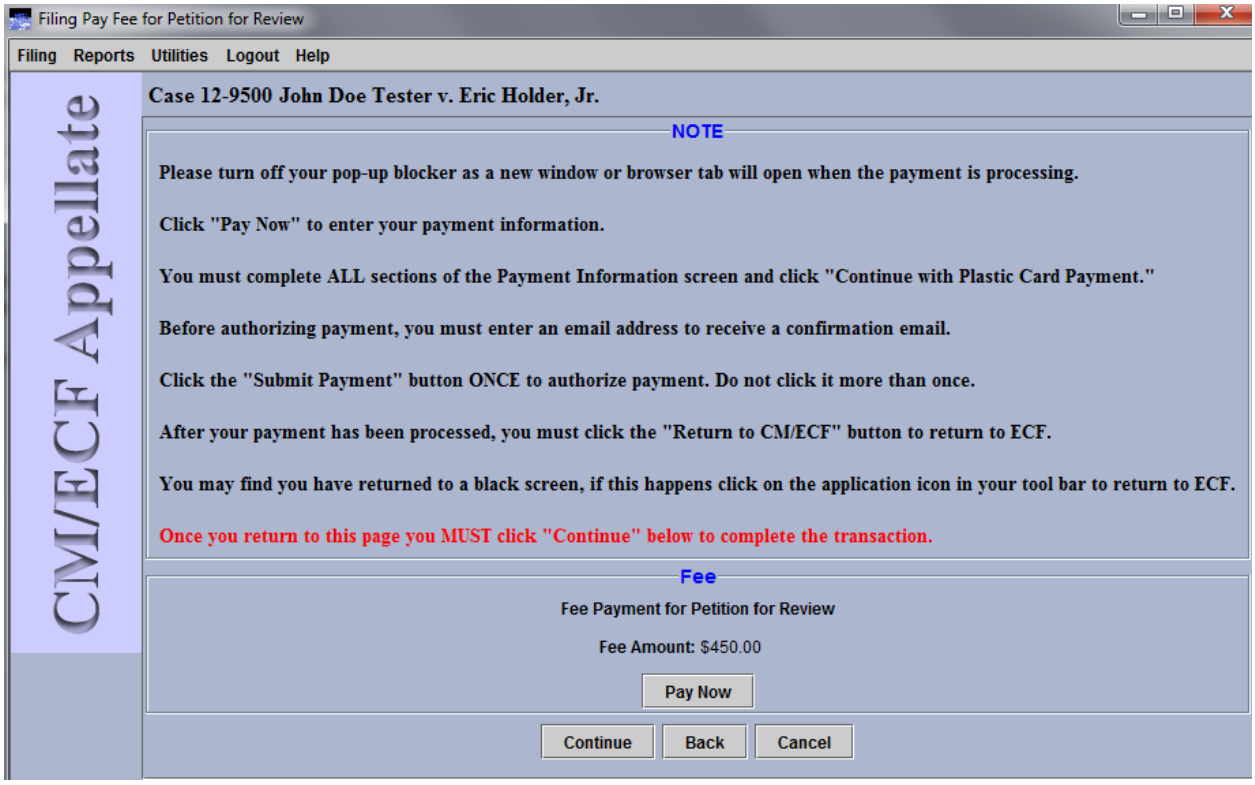
8. After attaching your documentation, click the ***Submit*** button to complete the submission of your petition. The court will notify all parties once a docket number has been assigned.

HOW TO SUBMIT PAYMENT FOR AN EXISTING PETITION

1. After submission of a petition, you may pay the filing fee by using a docket event via the court's ECF system. This example will show how to pay the filing fee for an agency petition (Note: the steps for docketing the payment for a writ of mandamus are essentially identical to what is outlined here). **Before starting, you must turn off any pop-up blockers that would prevent you from seeing the payment processing page**.
2. Log into ECF and select ***Filing***, followed by clicking on ***File a Document***.
3. Enter your case number and click on ***Fee Payment for Original Proceedings***.
4. Select Fee Payment for Original Proceedings to see the payment options for agency petitions and writs of mandamus. As shown in the example below, you will only see two payment options.



5. In this example, select ***Pay Fee for Petition for Review***.
6. The docketing screen pictured below will appear indicating the amount of the fee to be paid. Please read the on-screen instructions carefully before proceeding to pay the fee.



7. Click ***Pay Now*** to be re-directed to Pay.gov. A new browser window or browser tab will open allowing you to enter and submit your credit card information.

Option 2: Pay Via Plastic Card (PC) (ex: VISA, Mastercard, American Express, Discover)

Required fields are indicated with a red asterisk *

Account Holder Name: Julie Tester *
Payment Amount: $225.00
Billing Address: 1234 Tester Avenue *
Billing Address 2:
City: Denver
State / Province: Colorado - CO
Zip / Postal Code: 80237
Country: United States *
Card Type: * VISA MasterCard AMEX DISCOVER
Card Number: * *(Card number value should not contain spaces or dashes)*
Security Code: * Help finding your security code
Expiration Date: * / *
Attorney Name: *
Contact Telephone Number: *
Person Completing Transaction: *

Select the "Continue with Plastic Card Payment" button to continue to the next step in the Plastic Card Payment Process.

Continue with Plastic Card Payment | Cancel

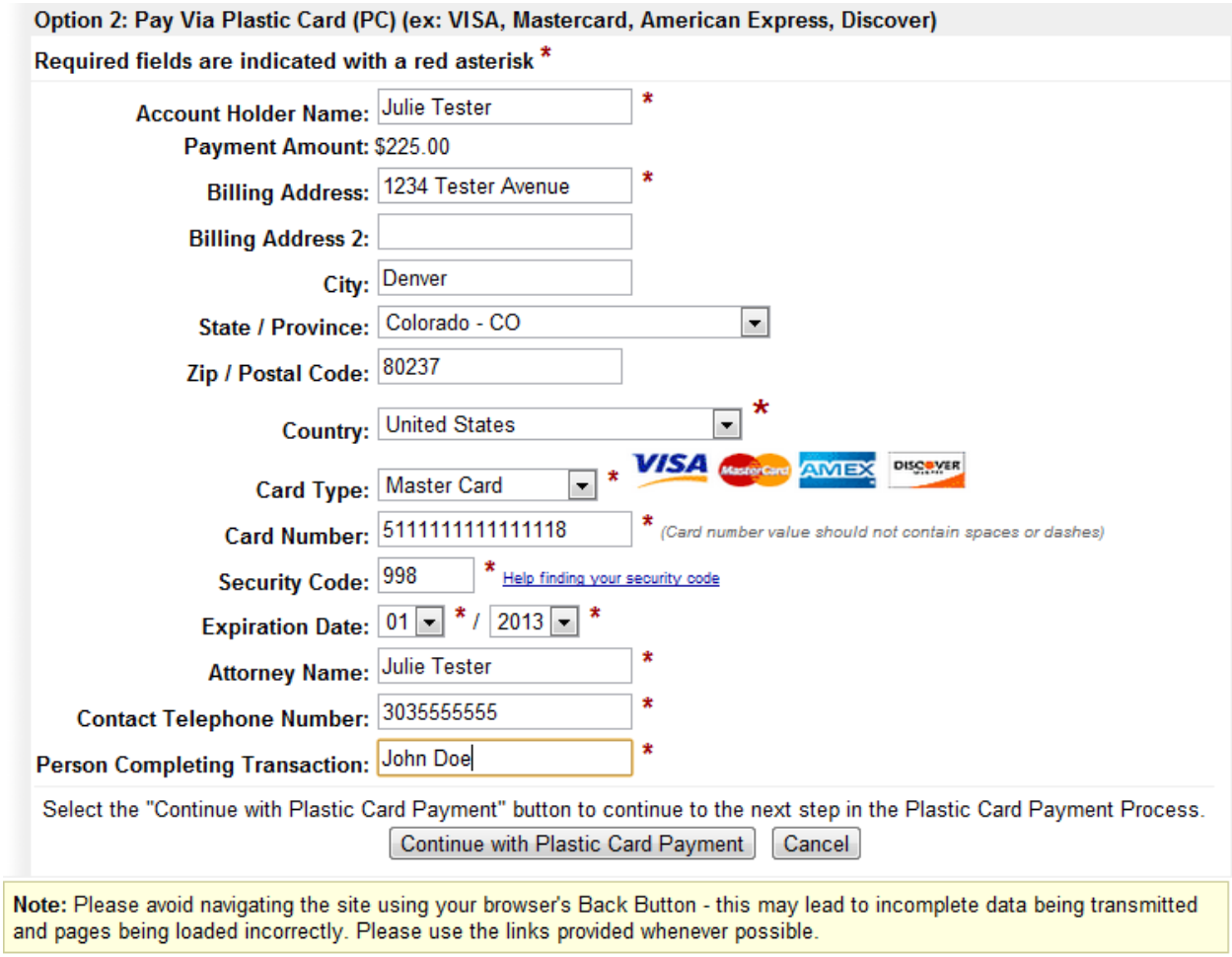
Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.

8. Verify and change the information in the Account Holder Name field and the billing address fields as needed.

   CAUTION: The name and address shown here are the name and address associated with your appellate ECF account. If you are using a credit card that is not associated with this address, you must update the billing address fields.

9. Complete the Card Type, Card Numbers, Security Code and Expiration Date fields.
10. In the Attorney Name field, type the name of the attorney who is submitting the petition and payment.

11. Complete the Contact Telephone Number and Person Completing Transaction fields so that the court may contact you if there are any issues with the payment.
12. Click the ***Continue with Plastic Card Payment*** button.



13. On the Authorize Payment page, review all the payment information for accuracy. You may click the Edit this Information link to make any necessary changes.
14. Complete the Email Address, Confirm Email Address and CC fields. Completing these fields will allow you to receive a payment confirmation email after the payment has been processed.
15. Select the checkbox under Authorization and Disclosure.

Online Payment Return to your originating application

Step 2: Authorize Payment 1 | 2

Payment Summary Edit this information

Address Information		Account Information		Payment Information	
Account Holder Name:	Julie Tester	**Card Type:**	Master Card	**Payment Amount:**	$225.00
Billing Address:	1234 Tester Avenue	**Card Number:**	**********1118	**Transaction Date and Time:**	12/13/2011 14:04 EST
Billing Address 2:		**Attorney Name:**	Julie Tester		
City:	Denver	**Contact Telephone Number:**	3035555555		
State / Province:	CO	**Person Completing Transaction:**	John Doe		
Zip / Postal Code:	80237				
Country:	USA				

Email Confirmation Receipt

To have a confirmation sent to you upon completion of this transaction, provide an email address and confirmation below.

Email Address: clerk@ca10.uscourts.gov

Confirm Email Address: clerk@ca10.uscourts.gov

CC: *Separate multiple email addresses with a comma*

Authorization and Disclosure

Required fields are indicated with a red asterisk *

I authorize a charge to my card account for the above amount in accordance with my card issuer agreement. ☑ *

Press the "Submit Payment" Button only once. Pressing the button more than once could result in multiple transactions.

Submit Payment Cancel

Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.

16. Click the ***Submit Payment*** button only once. You MUST wait for Pay.gov to process your payment. Do not click the button again.
17. The following screen will appear indicating your payment has been accepted. You may print this screen as a receipt. A copy will be emailed to the email addresses you provided on the previous screen.

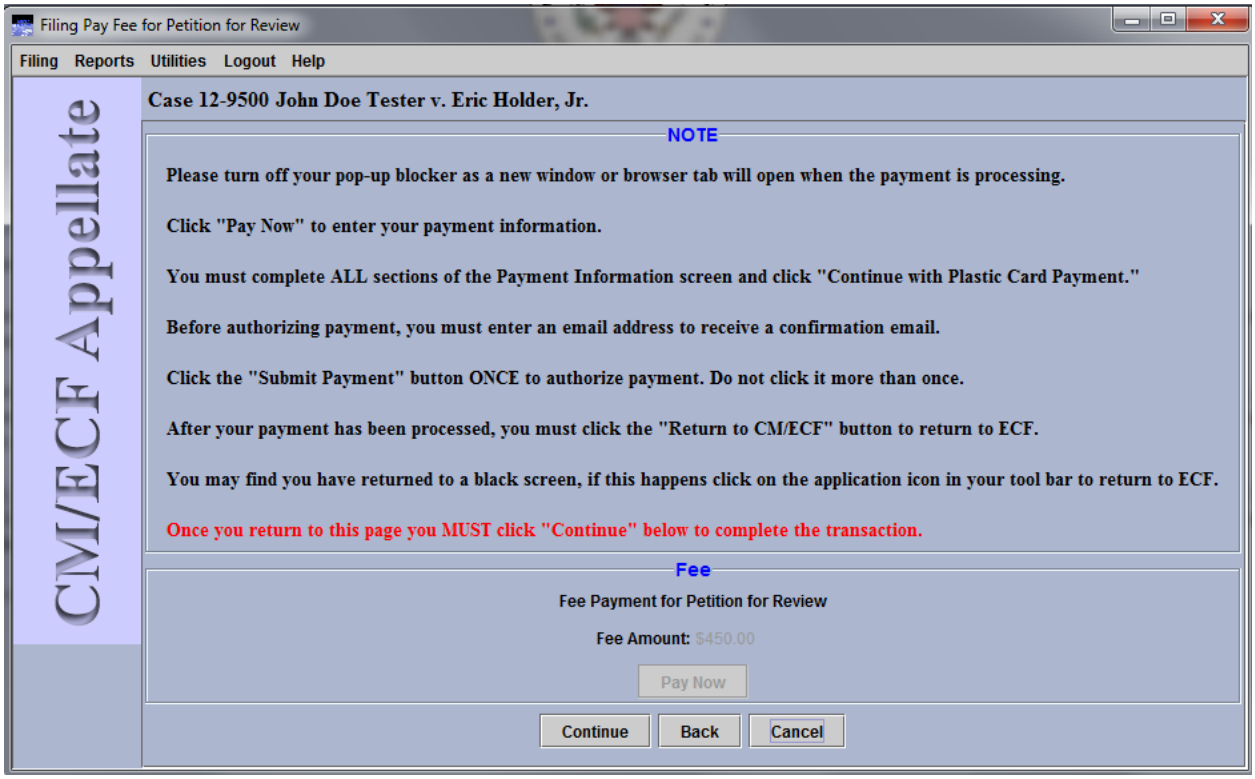
Your payment has been completed. Click here to print this receipt.

Transaction ID: 10-35472-785
Payment Date: 08/30/2012
Amount: $450.00
Fee Type: Petition for Review

Click the *Return to CM/ECF* button,
then return to ECF to complete the transaction
by clicking the *Continue* button.
(After clicking on the *Return to CM/ECF* button, you may see or return to a black screen. If this happens click on the application icon in your tool bar and you will return to ECF and can then complete your transaction.)

Return to CM/ECF

18. Click on the ***Return to CM/ECF*** button to return to the ECF application.
    CAUTION: You must click the Return to CM/ECF button. After returning to the ECF application you MUST click on Continue to complete the docketing of the fee payment. Failure to return and click Continue will cancel the docketing event, but your credit card will still be charged for the payment.

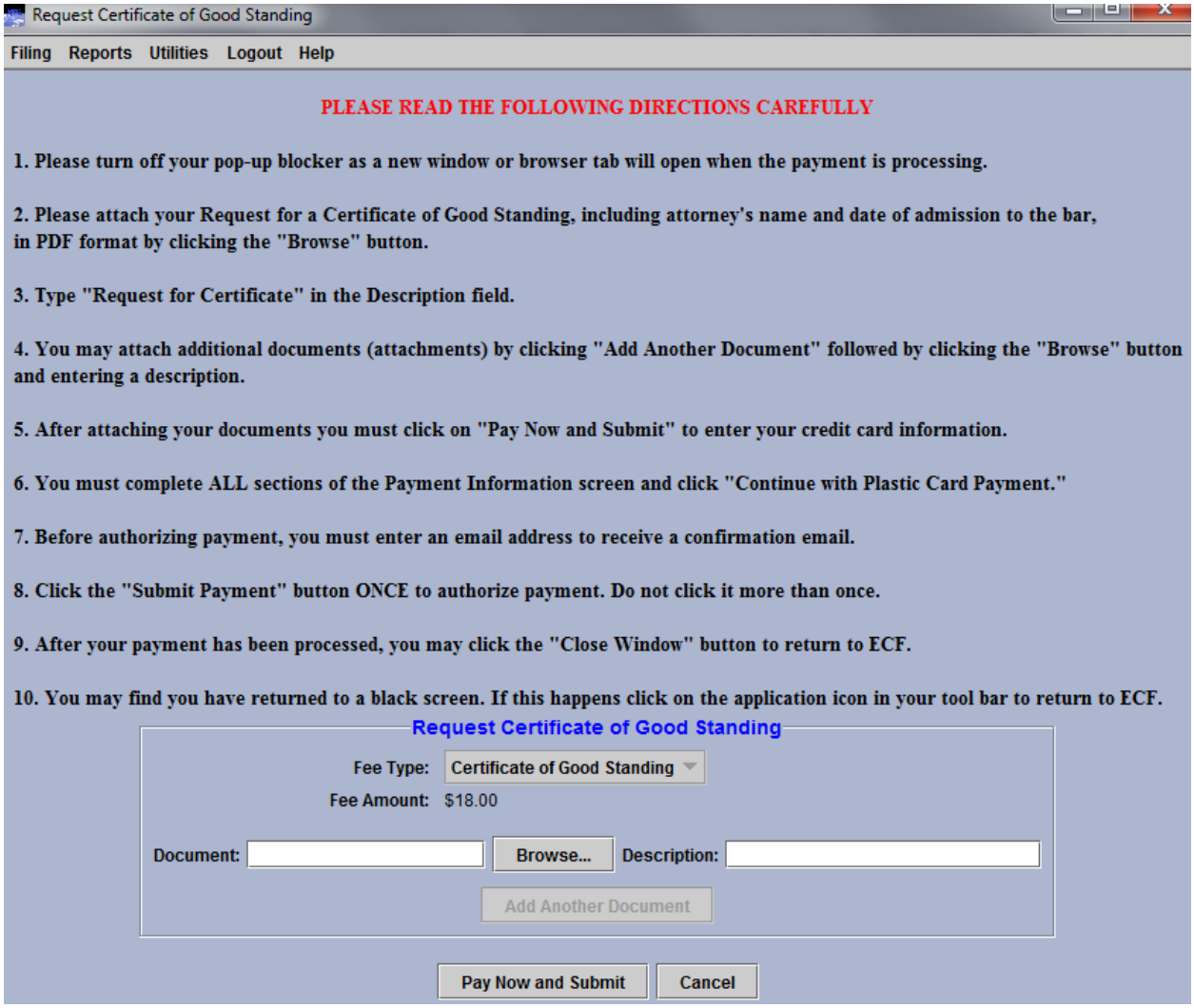


19. After clicking the ***Return to CM/ECF*** button, you may find you have returned to a black screen. If this happens, click on the ECF application icon in your tool bar and you will return to ECF.
20. **On the fee payment docketing screen you will see the Pay Now button has been deactivated. You MUST click *Continue* to complete the docketing of the filing fee. Failure to return to this screen and click Continue will cancel the docketing event, but your credit card will still be charged for the filing fee payment.**
21. After clicking ***Continue***, you may now continue with other ECF activity or simply log out of ECF. Notice that the fee has been paid will appear on the court docket.

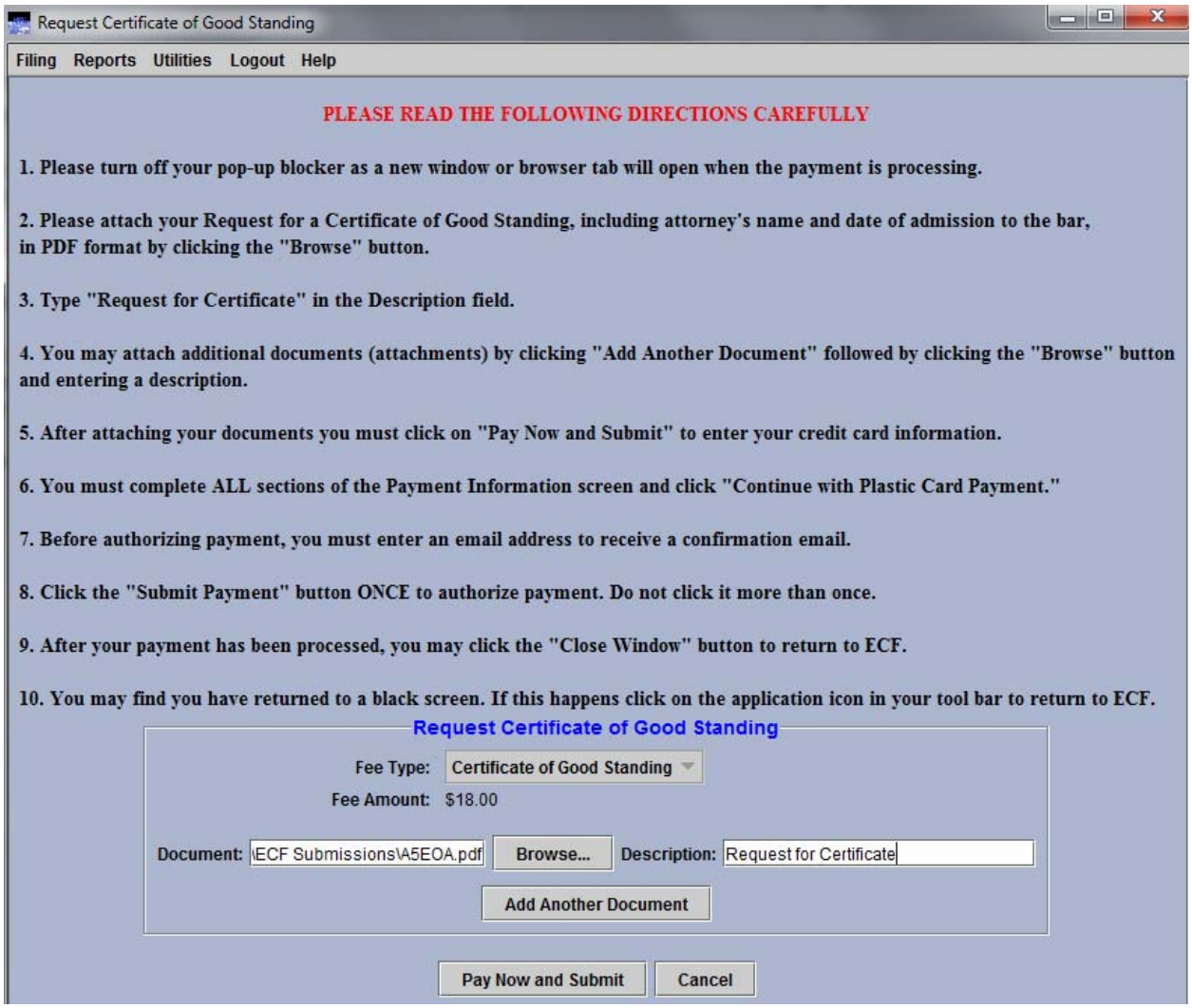
IX. HOW TO REQUEST A CERTIFICATE OF GOOD STANDING VIA ECF

The court's Electronic Case Filing application (ECF) may be used to request a certificate of good standing and pay the required fee. **You must be a registered ECF user with this court in order to request a certificate in this manner. Before you start, please turn off any pop-up blockers that would prevent you from seeing the payment page.** The payment window from Pay.gov opens in a new browser window or browser tab. In addition, make sure you have your letter requesting a certificate of good standing and any supporting documents ready to upload. All documents must be in searchable PDF format and each PDF you attach must not exceed 10 MB in size.

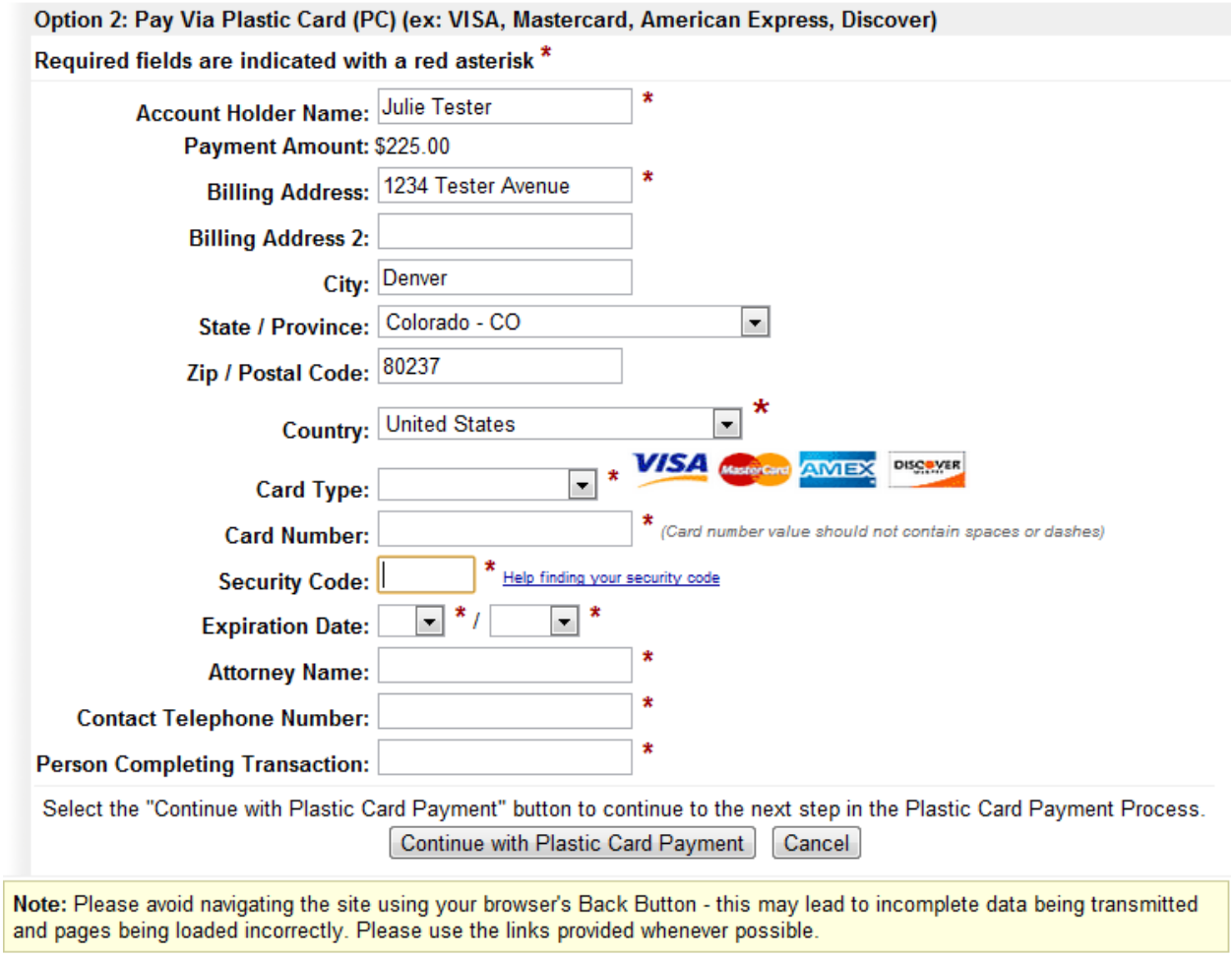
1. On the startup page after logging into ECF, select Utilities followed by ***Request Certificate of Good Standing***.
2. The Request Certificate of Good Standing window will open in a new window and look similar to the image below. Please read the directions carefully before proceeding with your request.



3. The document you attach should include the attorney's name, date of admission to the bar of this court, and current address for use in mailing the certificate.
4. Click the ***Browse*** button.
    a. Search for the PDF file that contains your certificate of good standing request.
    b. Select the appropriate file and click the ***Open*** button.
5. In the Description field for the document, type "Request for Certificate" as the description of the PDF.
6. Click ***Add Another Document*** and repeat steps 5 and 6 above if you need to attach further documentation. Please include a description for additional attachments.



7. After attaching your documentation, click the ***Pay Now and Submit*** button to begin the submission of payment. A new browser window or browser tab opens so that you can enter and submit your credit card information. You will now be connected to Pay.gov.



Option 2: Pay Via Plastic Card (PC) (ex: VISA, Mastercard, American Express, Discover)

Required fields are indicated with a red asterisk *

Account Holder Name: Julie Tester *
Payment Amount: $225.00
Billing Address: 1234 Tester Avenue *
Billing Address 2:
City: Denver
State / Province: Colorado - CO
Zip / Postal Code: 80237
Country: United States *
Card Type: * VISA MasterCard AMEX DISCOVER
Card Number: * (Card number value should not contain spaces or dashes)
Security Code: * Help finding your security code
Expiration Date: * / *
Attorney Name: *
Contact Telephone Number: *
Person Completing Transaction: *

Select the "Continue with Plastic Card Payment" button to continue to the next step in the Plastic Card Payment Process.

Continue with Plastic Card Payment | Cancel

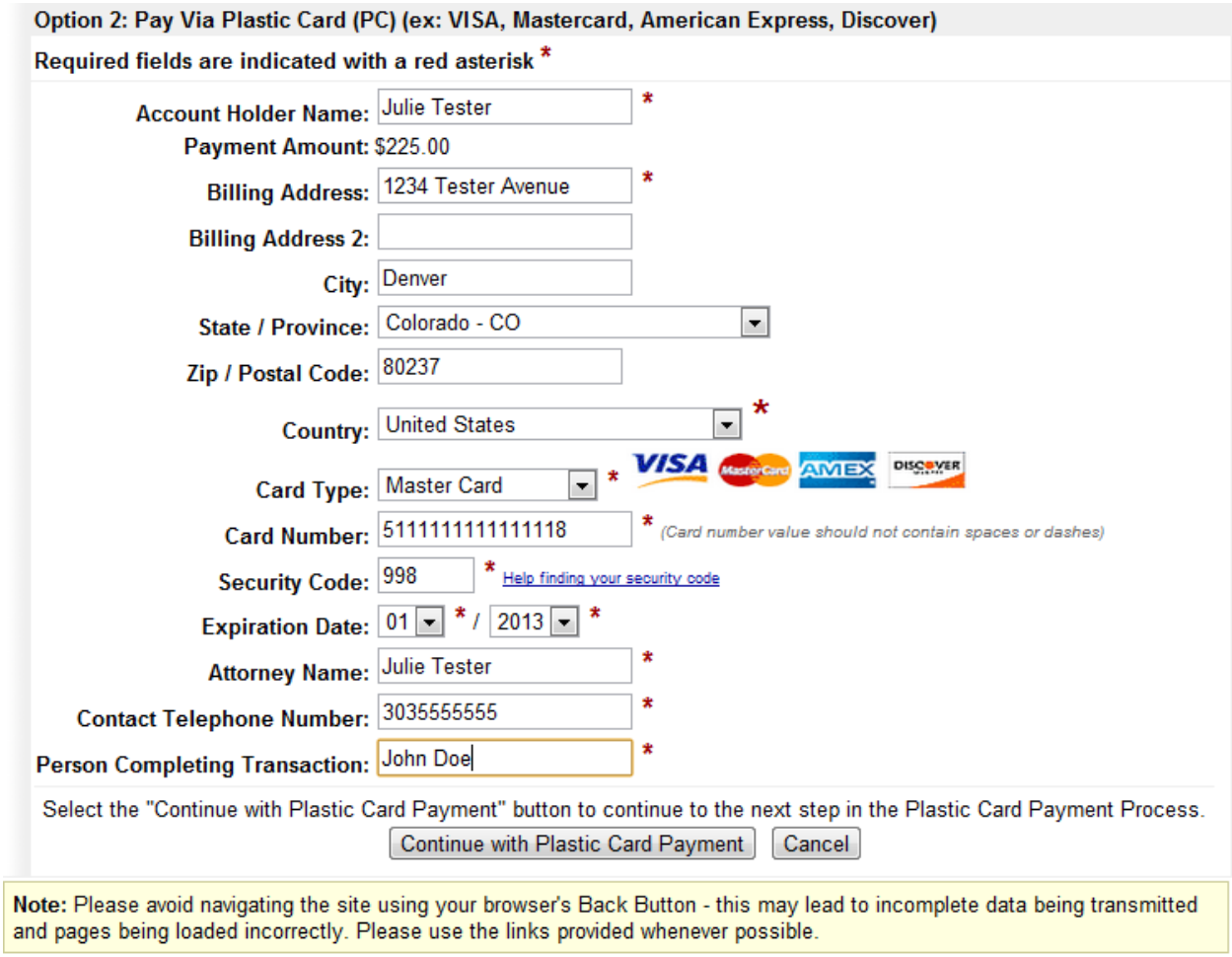
Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.

8. Verify and change the information in the Account Holder Name field and the billing address fields as needed.

   CAUTION: The name and address shown here are the name and address associated with your appellate ECF account. If you are using a credit card that is not associated with this address, you must update the billing address fields.

9. Complete the Card Type, Card Numbers, Security Code and Expiration Date fields.
10. In the Attorney Name field, type the name of the attorney who is applying for bar admission.

11. Complete the Contact Telephone Number and Person Completing Transaction fields so that the court may contact you if there are any issues with the payment.
12. Click the ***Continue with Plastic Card Payment*** button.



13. On the Authorize Payment page, review all the payment information for accuracy. You may click the Edit this Information link to make any necessary changes.
14. Complete the Email Address, Confirm Email Address and CC fields. Completing these fields will allow you to receive a payment confirmation email after the payment has been processed.
15. Select the checkbox under Authorization and Disclosure.

Online Payment Return to your originating application

Step 2: Authorize Payment 1 | 2

Payment Summary Edit this information

Address Information		Account Information		Payment Information	
Account Holder Name:	Julie Tester	**Card Type:**	Master Card	**Payment Amount:**	$225.00
Billing Address:	1234 Tester Avenue	**Card Number:**	**********1118	**Transaction Date and Time:**	12/13/2011 14:04 EST
Billing Address 2:		**Attorney Name:**	Julie Tester		
City:	Denver	**Contact Telephone Number:**	3035555555		
State / Province:	CO	**Person Completing Transaction:**	John Doe		
Zip / Postal Code:	80237				
Country:	USA				

Email Confirmation Receipt

To have a confirmation sent to you upon completion of this transaction, provide an email address and confirmation below.

Email Address: clerk@ca10.uscourts.gov

Confirm Email Address: clerk@ca10.uscourts.gov

CC: *Separate multiple email addresses with a comma*

Authorization and Disclosure

Required fields are indicated with a red asterisk *

I authorize a charge to my card account for the above amount in accordance with my card issuer agreement. ☑ *

Press the "Submit Payment" Button only once. Pressing the button more than once could result in multiple transactions.

Submit Payment Cancel

Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.

16. Click the ***Submit Payment*** button only once. You MUST wait for Pay.gov to process your payment. Do not click the button again.
17. The following screen will appear indicating your payment has been accepted. You may print this screen as a receipt. A copy will be emailed to the email addresses you provided on the previous screen.

Your payment is complete, and your request has been sent to the court. Click here to print this receipt.

Transaction ID: 10-35473-991
Payment Date: 08/31/2012
Amount: $18.00
Fee Type: Certificate of Good Standing

You can click the *Close Window* button and log out of CM/ECF.

Close Window

18. Click on the ***Close Window*** button to return to the ECF application.
19. You may find you have returned to a black screen. If this happens, click on the ECF application icon in your tool bar and you will return to ECF.
20. You may now continue with additional ECF activity or simply log out of ECF.