



The United States Court of Appeals  
for the **Tenth Circuit**

# **CM/ECF USER'S MANUAL**

**10th Ed.**  
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## 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)(2) 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.

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.

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 30 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 30 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 30 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 30-megabyte limit. See User's Manual Part V, Section G, 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. Macintosh users need OS X version 10.7 or higher. Alternatively, Macintosh users may choose to run Windows emulation software such as VMWare, Parallels, or Virtual PC.
2. Word Processing Software: WordPerfect, Microsoft Word, or any other word processing software that will permit you to convert text documents to PDF should be used.
3. Internet Service Provider and Web Browser: CM/ECF has been certified to work with Mozilla Firefox versions 49 or higher, Internet Explorer version 10 or higher, and Safari version 10 or higher. It may be necessary for some users to disable the blocking of pop-ups in their browsers to access some functionality in CM/ECF.
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](mailto: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. 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 text document, and many of these are free.
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.

## 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 in the 10th Circuit became mandatory for all counsel on June 1, 2009. *See* Fed. R. App. P. 25(a)(2)(B)(i) and 10th Cir. R. 25.3.

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)(B)(i) and 10th Cir. R. 25.3. 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. *See* Fed. R. App. P. 25(a)(2)(B)(ii). 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. Case initiating documents for original proceedings and any accompanying attachments/appendices must be submitted via ECF/pay.gov when the filing party is represented by counsel (see this User's Manual at Sections X-XII for specifics on how to submit). Pro se parties may submit case-initiating documents via the court's website or in paper form. Electronically filed appendices are limited to 30 megabytes per uploaded file. More than one file may be uploaded to a particular entry, but the total file size for a multi-document filing may not exceed 150 megabytes per transaction. 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 E 4.

b. Appendices submitted pursuant to Federal Rules of Appellate Procedure 30 and 10th Circuit Local Rules 9.2(B), and 30 must be filed electronically.

Except for Rule 9.2(B) appendices, a single hard copy of any appendix filed must also be received in the office of the Clerk within five days of the court issuing notice that a hard copy of the appendix is required.

c. All appellate vouchers must be submitted electronically via eVoucher. For information regarding filing vouchers, please go to our website at [www.ca10.uscourts.gov/cja/vouchers-and-instructions-attorneys](http://www.ca10.uscourts.gov/cja/vouchers-and-instructions-attorneys) 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 150 megabytes. Individual PDFs may not exceed 30 megabytes. Any attachment to a pleading exceeding 30 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. Upgrading Existing ECF Accounts for NextGen CM/ECF (eff. 5/15/2017)**

a. To continue filing documents and performing other CM/ECF-related activity in the Tenth Circuit on or after May 15, 2017, a filing user who created a PACER account prior to August 10, 2014, will be required to upgrade that account in PACER. Once the upgraded PACER account is created, it will need to be linked to an existing CM/ECF account. Instructions for upgrading a PACER account and for linking that account to a CM/ECF account can be found here: <https://pacer.uscourts.gov/file-case/get-ready-nextgen-cmecf>. In NextGen, a new Central Sign-on feature will allow a filing user to view docket reports, file documents, and perform other CM/ECF-related activity through one PACER account that will be utilized for all appellate, district, and bankruptcy courts that have gone live on NextGen CM/ECF.

**NOTE:** Each individual filing user must have a separate upgraded PACER account; a firm-wide or shared account may be used to perform case research in PACER but cannot be used to file in CM/ECF.

b. Any individual filing user who created a PACER account on or after August 10, 2014 already has an upgraded PACER account which will be compatible with NextGen CM/ECF. These users will only need to link the PACER account to an existing CM/ECF account to begin filing once

the NextGen upgrade occurs. A filing user with questions about whether his or her PACER account has been upgraded should contact PACER directly.

### C. New User 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 Attorney Filers via the PACER Service Center: <https://pacer.psc.uscourts.gov/pscof/regWizard.jsf>.
  - a. 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.
  - b. 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 (<https://pacer.uscourts.gov>) and choose the Manage My 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 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 Manage My 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 (<https://pacer.uscourts.gov/my-account-billing/forgot-username-or-password>). To retrieve your password, you will need your account ID, security question answer, date of birth, and the email address and telephone number associated with your account. **The court does not have access to passwords.**

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.

## D. 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 may be required for briefs and appendices 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.

## E. 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) and 10th Cir. R. 25.4, if a party to the case is not registered to receive service via NDA. A certificate of service is not required if all parties to the case are registered to receive service via NDA.
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, via the court's electronic document submission portal for parties without counsel, or are filed in paper form, copies must be served via conventional methods in paper form or via email if required.

5. Three Days Added to Prescribed Period Under Rule 26(c)

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 will be treated as delivered on the date of service. As a result, the three-day rule will not apply to deadlines created when service is through ECF.**

## **F. 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.

## **G. 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 30 megabytes per uploaded file. More than one file may be uploaded to a particular entry, provided that the total file size does not exceed 150 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 30 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).

**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 V, Section G for complete instructions on compressing files.

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

After logging into CM/ECF and entering your appeal number, select the Sealed Pleadings category. These events were specifically designed to allow for submission of sealed pleadings and briefs. You may file a sealed motion, response, docketing statement, brief, or proposed litigation budget (death penalty appeals) in this manner. Failure to select a Sealed Pleadings event will result in your pleading being filed as a public document. Counsel are responsible for ensuring that sealed materials are filed using these events. **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.** In addition, counsel is advised to review the requirements for filing sealed materials in this court under 10th Cir. R. 25.6. *See also* 10th Cir. R. 30.1(D)(6) (referencing Rule 25.6 and providing guidance for filing sealed materials in appendices).

## I. 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).

**J. Certification**

In addition to a certificate of service (when required- see Section II E of this manual), all ECF pleadings must include 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) and 10th Cir. R. 25.5. 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 pleading complies with applicable type volume limits. See Fed. R. App. P. 32(g)(1).

## K. 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. *See also* 10th Cir. R. 25.7 (outlining procedures if the clerk declares a technical failure).

## L. 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) and 10th Cir. R. 25.5, 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.

### **Other Sealed Materials and Sealed Cases (See 10th Cir. R. 25.6)**

With regard to all sealed materials, parties should note public access is available only to parties and attorneys in the case who have entered an appearance *and* who have an active filer account. Parties/Attorneys will be prompted to add their usernames and passwords to view sealed materials.

## **M. 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 <https://pacer.uscourts.gov> and choose the Manage My 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.**

## **N. 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.

## **O. 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.

## **P. 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 V, Section A, for complete instructions on hyperlinking your filings. **Please note hyperlinking is optional at this time.**

#### **Q. CJA Attorneys with Two PACER Accounts**

CM/ECF requires a filing attorney to permanently associate a PACER login with an ECF filing login. 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.

Log in to CM/ECF and use the toggle switch to self-select your exempt status. You may use that switch to alternate between exempt and non-exempt appeals or proceedings. If you do not self-select exempt status, you will be billed for your account activity. Please note exempt usage is closely monitored, so please confirm you are in the correct status at all times (for instance, you will need to confirm you are not using a CJA exempt status while you are in a retained case).

#### **R. 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 take 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.

#### **S. Appendices**

Effective January 1, 2015, all appendices accompanying briefs must be filed electronically. In addition, a single paper copy of the appendix (**which must be an exact replica of the electronic version**—for instance, if you file two volumes of an appendix electronically, you must file two volumes of a paper appendix- -and the content must be identical) **must be received in the clerk's office within five days of the court issuing notice that a hard copy of the appendix is required.**

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 (if required) and additional certifications as outlined previously in Section II (J). *See* Section III (G) below for additional information.

We encourage counsel to use the Create Appendix feature available via district court ECF to create the appendix. However, this method of compiling pleadings is not required. Counsel may use a different method if the appendix complies with all court requirements.

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

#### **A. Case Initiating Documents**

- Parties are not permitted to initiate *appeals* via ECF.
- The clerk's office will open all new 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, must be submitted via ECF/pay.gov when the filing party is represented by counsel (see instructions starting on page 83). Pro se parties may submit case-initiating documents via the court's website or in paper form.

#### **B. 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.

#### **C. Preliminary Documents**

- Required preliminary documents include the entry of appearance, docketing statement, disclosure statement, transcript order form, designation of record, and appointment motion (the designation and appointment motion are required only in CJA appointed counsel cases).
- 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.
- 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 in the same entry 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.

## **D. 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 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 in the same entry 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.

## **E. 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.

- Upon request by the court, all filers must also submit to the clerk's office 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 five days of the court issuing notice that hard copies are required.

#### **F. Sealed Briefs**

**(Sealed filings other than briefs are referenced in Section I below.)**

- Sealed briefs must be filed electronically in the court of appeals via ECF using the appropriate sealed brief 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 V, Section A 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 five days of the court issuing notice that hard copies of the brief are required.

- 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.

## G. Appendices

- Appendices filed per Federal Rules of Appellate Procedure 10 and 30 and 10th Circuit Rules 9.2(B), 10 and 30.1 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 (bookmarks should clearly identify the district court docket number, the pleading name, and the date of filing in the district court [for example: 10 Response to Motion: 2/10/2016]).
- *See* this Manual at Part V, Section H for details on using the Create Appendix option. Note that using the Create Appendix feature is not required. Counsel may use a different method if it complies with all court requirements.
- Parties must compile any sealed materials required for the appendix in a separate PDF. Please note that if an appendix contains sealed materials it must be accompanied by a separate motion to seal.
- Parties must include a certificate of service (if required) and certificates of compliance, privacy redaction, virus scan, in the first volume of the appendix (*see* this Manual at Section II (J) 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 requested. Simply stated, if you file two electronic volumes with the court, you need to file two paper volumes. The number of volumes and the content must be identical.
- A single paper copy must be *received* in the court of appeals within five days of the court issuing notice that a hard copy is required.

## H. 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.

**I. Sealed Materials with the Exception of Briefs (*see* 10th Cir. R. 25.6) (See Section F 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. **Also- a motion is required except in very limited circumstances. *See* 10th Cir. R. 25.6 and 11.3(C).**
- 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 same docket event. 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 a pleading simultaneously with that pleading 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 and can include the pleading to be sealed as an attachment.

#### **J. 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 same docket event/option.
  - 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.

#### **K. 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 same docket event/option.
  - 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 petitions for rehearing or petitions for rehearing en banc.

## **L. 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 same docket event/option.
  - 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.

## **M. Criminal Justice Act Vouchers**

- Parties seeking information on submitting Criminal Justice Act vouchers should review the procedures available on the court's website at <http://www.ca10.uscourts.gov/cja/vouchers-and-instructions-attorneys> . **All vouchers must be submitted electronically via eVoucher.**

## **N. 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 email submission must include the case name, number, and should note the pleading is being filed ex parte. The email must also reference the reason for the ex parte submission. The proper email address is: [clerk@ca10.uscourts.gov](mailto: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 (<https://pacer.uscourts.gov>).

U.S. COURT OF APPEALS, TENTH CIRCUIT  
Login

\* Required Information

Username \*

Password \*

Client Code

Login Clear

[Forgot password?](#) | [Forgot username?](#) | [Need an account?](#)

NOTICE: This is a restricted government website for official PACER use only.  
Unauthorized entry is prohibited and subject to prosecution under Title 18  
of the U.S. Code. All activities and access attempts are logged.

Enter your username and password in the appropriate boxes on the Login screen. Click Login to proceed. Note: the client code box does not need to be completed.

A pop-up window displaying the court's Redaction Agreement will appear. You must check the box to continue.

The Startup Page will appear.



**U.S. Court of Appeals CM/ECF  
Official Attorney Electronic Document Filing System**

*This facility is for Official Court Business only. Activity to and from this site is logged. Document filings on this system are subject to Federal Rule of Appellate Procedure, Rule 25. Evidence of unauthorized or criminal activity will be forwarded to the appropriate law enforcement officials under 18USC152 and 3571.*

**Welcome**

Welcome to the U.S. Court of Appeals Case Management/Electronic Case Files System. Please select an option from the menu.

Last Login 2017-04-04 14:23:37.0

[Court Information](#)



**WELCOME**

Welcome to the Case Management/Electronic Case Filing System (CM/ECF) for the 10th Circuit Court of Appeals.

To start filing, select "Filing" from the menu bar, then "File a Document."

Please review the documents in the sidebar for help with filing, procedural questions, and technical problems. Additional information is available at the [10th Circuit website](#), including [ECF Training Materials](#).

For technical assistance, please contact the [PACER Service Center](#) at 800-676-6856, or by email at [pacer@psc.uscourts.gov](mailto:pacer@psc.uscourts.gov).

For case-related procedural questions you may call the clerk's office at 303-844-3157 between the hours of 8:00 AM and 5:00 PM MST. To contact us by email, [click here](#), or email us at [clerk@ca10.uscourts.gov](mailto:clerk@ca10.uscourts.gov).

**We remind counsel of the obligation to redact or otherwise exclude all personal identifiers from submitted pleadings. See Fed. R. App. P. 25(a)(5); Fed. R. Civ. P. 5.2. Those identifiers include social security numbers, financial account numbers, names of minor children and dates of birth. All filers should review pleadings in advance to confirm**

**Filing Instructions**

- [ECF User Manual](#)
- [Briefing/Appendix Checklists](#)
- [Submitting Petitions w/ Payment](#)
- [Submitting Petition Payments](#)
- [Submitting F.R.A.P. 5 Petitions](#)
- [Request a Certificate of Good Standing](#)

**Technical Assistance**

- [Tech Hints and Tips](#)
- [ECF/PACER FAQs](#)
- [Dealing with Sealed Materials](#)

**CM/ECF Links**

- [Court Information](#)
- [Training Resources](#)

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 submit bar admission application, check a PDF to see if it is in compliance with filing requirements, edit/update your account information, request a certificate of good standing, or file an original proceeding;
4. Help- select to access a PDF containing useful information on ECF's features;
5. Getting Started- select to access a PDF containing instructions on how to file in ECF;
6. Log Out- select to end your filing session.

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

1. Select Filing from the menu at the top of the Startup Page. The following screen will appear:

The screenshot shows the 'File a Document' screen in the CM/ECF system. At the top, there is a navigation bar with 'Filing' highlighted, along with 'Reports', 'Utilities', 'Help', 'Getting Started', and 'Log Out'. The 'Tenth Circuit Court of Appeals' logo is visible in the top right. The main content area has a dark red header with 'File a Document' and 'Parties/Attorneys' on the right. Below the header, there is a 'Case Number' field with a placeholder 'yy-nnnn or yy-nnnnn'. Underneath is a 'Filed' date of '04/05/2017'. A table with two columns, 'Type of Document' and 'Category', is displayed. The table lists various document types and their corresponding categories. A 'Continue' button is located at the bottom left of the form area. A large 'DEMO VERSION' watermark is overlaid on the bottom half of the screen.

Type of Document	Category
Amicus Curiae Brief	Amicus & Intervenor's Motions/Briefs
Amicus Curiae Motion	Amicus & Intervenor's Motions/Briefs
Anders Brief	Briefs
Answer (Agency Applications for Enforcement Only)	Motions/Responses/Replies
Appellant/Petitioner's Appendix	Briefs
Appellant/Petitioner's Bail Memo Brief	Release In A Criminal Case
Appellant/Petitioner's Jurisdictional Memo Brief	Briefs
Appellant/Petitioner's Opening Brief	Briefs
Appellant/Petitioner's Reply Brief	Briefs

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

- The case number and short title of the case will appear at the top of the screen, and a list of parties/attorneys in the case will appear on the right side:

Tenth Circuit Court of Appeals

CM ECF **Filing** **Reports** **Utilities** **Help** **Getting Started** **Log Out**

**File a Document**

**Parties/Attorneys**

**Case Number**

United States v. Defendant

**Filed**  
04/06/2017

**Type of Document** ^

**Category** v

Amicus Curiae Brief	Amicus & Inter
Amicus Curiae Motion	Amicus & Inter
Anders Brief	Briefs
Answer (Agency Applications for Enforcement Only)	Motions/Respo
Appellant/Petitioner's Appendix	Briefs
Appellant/Petitioner's Bail Memo Brief	Release In A C
Appellant/Petitioner's Jurisdictional Memo Brief	Briefs
Appellant/Petitioner's Opening Brief	Briefs
Appellant/Petitioner's Reply Brief	Briefs

▼ **16-2018**

**United States v. De**

- ▼ Defendant, The
  - ▼ **Attorneys**
    - Tenthcoa, Att
- ▼ the intervening ga
  - ▼ **Attorneys**
    - Tenthcoa, Att
- ▼ United States of A
  - ▼ **Attorneys**
    - Tenthcoa, Att

- If a selected case has additional cases linked to it, those cases will appear in a section at the bottom of this screen. 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:

The document will also be filed in cases that are checked:

- 15-7071 Crouch v. Thompson
- 15-7072 Crouch v. Thompson

Select [All](#) | [None](#)

Continue

5. To file a pleading with the court, you will need to select Document name from the menu on the left side of the screen. Selecting a category from the right side will bring up a reduced number of docketing event options. You may also type a keyword in the “Type of Document” field (for example, “motion” or “brief”) to narrow the list of available choices:

The screenshot shows a web interface for selecting a document type. At the top, there is a search bar labeled "Type of Document" with the word "brief" entered. To the right of the search bar is a dropdown menu labeled "Category" with "Briefs" selected. Below the search bar is a list of document types, each with a corresponding category. The "Anders Brief" is highlighted in gold. A scrollbar is visible on the right side of the list.

Type of Document	Category
Amicus Curiae Brief	Amicus & Inter
Anders Brief	Briefs
Appellant/Petitioner's Jurisdictional Memo Brief	Briefs
Appellant/Petitioner's Opening Brief	Briefs
Appellant/Petitioner's Reply Brief	Briefs
Appellant/Petitioner's Supplemental Brief	Briefs
Appellee/Respondent's Jurisdictional Memo Brief	Briefs
Appellee/Respondent's Notice of No Brief	Briefs
Appellee/Respondent's Response Brief	Briefs

Select the Document Type you want to file by clicking on the appropriate row, then 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.

File to case: 16-2018

Party Filer

In the section below, please select the party filing this pleading.

Filer	Type	Ca
Defendant, The	Appellant-Defendant	16

[Select All](#)

Selected

Filer	Type	Case
-------	------	------

Attention

Please attach your pleading in searchable PDF format by typing a description of the pleading (ex. "Appellant's Brief") and clicking browse. Repeat to attach additional documents. Please Note: The maximum file size of each PDF file is 10MB. Please refer to the ECF manual for tips on reducing a file's size.

Attention

Please remember to include all the necessary attachments to the Docketing Statement before completing this submission (see 10th Circuit Rules, Appendix A, 10th Circuit Form 1).

Upload Documents

Description

Attention

By filling in a service date you certify that all parties to the appeal have been or will be served a copy of this pleading. Please check the box(es) for the appropriate method of service for this pleading. Check the "Email" box if service is being completed using the NDA generated by this docket event.

Service

Service

  
 Email  Fax  Hand  US mail

[Cancel](#)

\* The maximum file size for each PDF is 30 megabytes.

7. To attach a PDF to your entry, click the Browse button in the Upload Documents 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 repeat the process described above. **Please note:** when adding a second (and subsequent) PDF, you must fill in the Description field before clicking the ‘Browse’ button.

After you have successfully uploaded a PDF, a confirmation section will appear immediately below the ‘Browse’ button. It displays the name of the PDF and its file size. You can use the Sequence arrows to rearrange the order of the PDFs, and the red Xs to remove a specific PDF:

The screenshot shows the 'Upload Documents' section of a web interface. At the top is a blue header with a dropdown arrow and the text 'Upload Documents'. Below this is a 'Description' label followed by an empty text input field. Underneath the input field is a blue 'Browse...' button and a grey text prompt: 'Click Browse to add another document.' Below the input and button is a table with five columns: 'Document', 'Description', 'Size', 'Sequence', and 'Remove All'. The table contains two rows of data.

Document	Description <span>ⓘ</span>	Size	Sequence	Remove All
<a href="#">Blank motion.pdf</a>	Main Document	10 KB	↓	✗
<a href="#">test exhibit1.pdf</a>	attachment	7 KB	↑	✗

-----  
**A Side Note on Motions**

If you are filing a motion, you will need to select at least one relief code. Select a Relief name from the menu on the left side of the screen. Selecting a category from the right side will bring up a reduced number of Relief options. You may also type a keyword in the “Relief” field (for example, “extension” or “dismiss”) to narrow the list of available choices. Repeat if you are requesting more than one relief in your motion:

Requested Relief

Click on a row in the table to select the relief you are requesting in your motion. To narrow the list before selecting, type part of the relief in the Relief box, or select a Relief Category from the dropdown list. Repeat if you are requesting more than one relief in your motion.

Relief	Relief Category
Extension of Time to File 1st Brief on Cross-Appeal	Briefing
Extension of Time to File 2nd Brief on Cross-Appeal	Briefing
Extension of Time to File 3rd Brief on Cross-Appeal	Briefing
Extension of Time to File 4th Brief on Cross-Appeal	Briefing
Extension of Time to File a Certificate of Appealability	Briefing
Extension of Time to File a Response	Briefing
Extension of Time to File Appellant/Petitioner's Memorandum Brief	Briefing
Extension of Time to File Appellant/Petitioner's Opening Brief	Briefing

Selected

Relief	Sequence	Remove All
--------	----------	------------

A confirmation section appears immediately below the ‘Requested Relief’ section that displays the name of the relief(s) you have selected. You can use the Sequence arrows to rearrange the order of the reliefs selected, and the red Xs to remove a specific relief:

Selected		
Relief	Sequence	Remove All
Extension of Time to File Docketing Statement	↓	✘
Extension of Time to File Notice of Appearance	↑	✘

-----

### A Side Note on Appendices

When filing an appendix, you will see two separate sections for uploading PDFs: a section for non-sealed volumes and a section for sealed volumes. Please make sure to attach your PDFs in the correct sections.

If you upload a PDF to only one section (for instance, just to the non-sealed section), you will see an error message when you continue to the next screen stating that no documents were attached (that is, no documents were attached in one of the two sections). Click 'Yes' to continue anyway (your document will attach to the entry).

-----

8. You will be prompted to add a service date and select a method of service for any pleading you file. If you are relying on ECF for service on opposing parties, select 'Email' as your method of service.

▼ Service

**Service**

📅

Email
 Fax
 Hand
 US mail

If you are filing a brief, you will see an enhanced Service section that requires you to indicate the method of service for each attorney/pro se party in the case:

▼ Service

**Service**

04/01/2017 

Name ^	Originating/Party Type ↕	Not Served	Email	Fax	Hand	US mail	Edits
Tenthcoa, Attyb, aty	Intervenor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">Clear</a>
Tenthcoa, Attyh, aty	Appellee	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<a href="#">Clear</a>

9. After you have completed all the sections on the screen, click the Continue button at the bottom. The Cancel button will void the transaction.

10. The next screen you see will let you review the docket text for your transaction, as well as review previous sections (click on the appropriate blue banner to review what you selected/added, and make changes as needed). Note- you will not be able to edit the docket text.

File to case: 16-2018

▶ Party Filer

▶ Attention

▶ Attention

▼ Upload Documents

**Description**

Main Document

**Browse...** Click **Browse** to add another document.

Document	Description	Size
<a href="#">Firefox ESR Setup Instructions.pdf</a>	Main Document	249 KB

▶ Attention

▶ Service

▼ Docket Text

Docketing statement filed by The Defendant. Served on 04/06/2017. Manner of Service: email. [16-2018]

**Continue** [Cancel](#)

11. Click the Continue button at the bottom. The Cancel button will void the transaction.

12. The next screen is the Final Review screen. You will see a summary of what you have selected/uploaded for this transaction. Verify the information listed and make any changes as necessary. To make changes here, you will need to click the 'Edit' button at the bottom of the screen. Click 'Submit' to finish your transaction. Click 'Cancel' to void the transaction.

File to case: 16-2018

▶ Party Filer
▶ Attention
▶ Attention
▶ Upload Documents
▶ Attention
▶ Service
▶ Docket Text
▼ Final Review

**File to Case**  
16-2018

**Type of Document**  
Docketing Statement

**Party Filer**  
Defendant, The (Appellant-Defendant) 16-2018

**Upload Documents**  
[Firefox ESR Setup Instructions.pdf](#) (2 pages)

**Service**  
04/06/2017 email

**Docket Text**  
Docketing statement filed by The Defendant. Served on 04/06/2017. Manner of Service: email. [16-2018]

After you click the **Submit** button, you cannot change this filing.



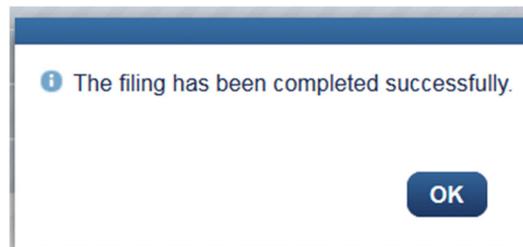
Have you redacted personal identifiers from the document you filed?

**Submit**

[Edit](#)

[Cancel](#)

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



14. For most of our docket events, a Notice of Docket Activity (NDA) will issue to all attorneys and pro se parties in the case that have valid email addresses. For a handful of docket events (entries of appearance and events relating to amicus parties), an NDA will not immediately issue. A case manager in the clerk's office will review those submissions and issue an NDA upon completion of the review process.

**That's it! Don't forget to log out if you are finished.**

## V. OTHER HINTS AND TIPS: THINGS EVERY ECF FILER WILL WANT TO KNOW

1. When filing a pleading under seal, make sure to select the Sealed Pleadings category from the right side of the main menu to display the available options. If you do not use one of the “sealed” document types, your pleading will appear as public on the court’s docket.



Type of Document ^	Category ^
Sealed Appellant/Petitioner's Opening Brief	Sealed Pleadings
Sealed Appellant/Petitioner's Reply Brief	Sealed Pleadings
Sealed Appellee/Respondent's Response Brief	Sealed Pleadings
Sealed Cross-Appeal 1st Brief	Sealed Pleadings
Sealed Cross-Appeal 2nd Brief	Sealed Pleadings
Sealed Cross-Appeal 3rd Brief	Sealed Pleadings
Sealed Cross-Appeal 4th Brief	Sealed Pleadings
Sealed Docketing Statement	Sealed Pleadings
Sealed Motion	Sealed Pleadings

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 Sealed Motion 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 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 docketing it as filed. A notice of docket activity confirming 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 each pleading was filed correctly. Should a pleading be deemed noncompliant, counsel will be contacted via letter and instructed to re-file or correct the pleading.

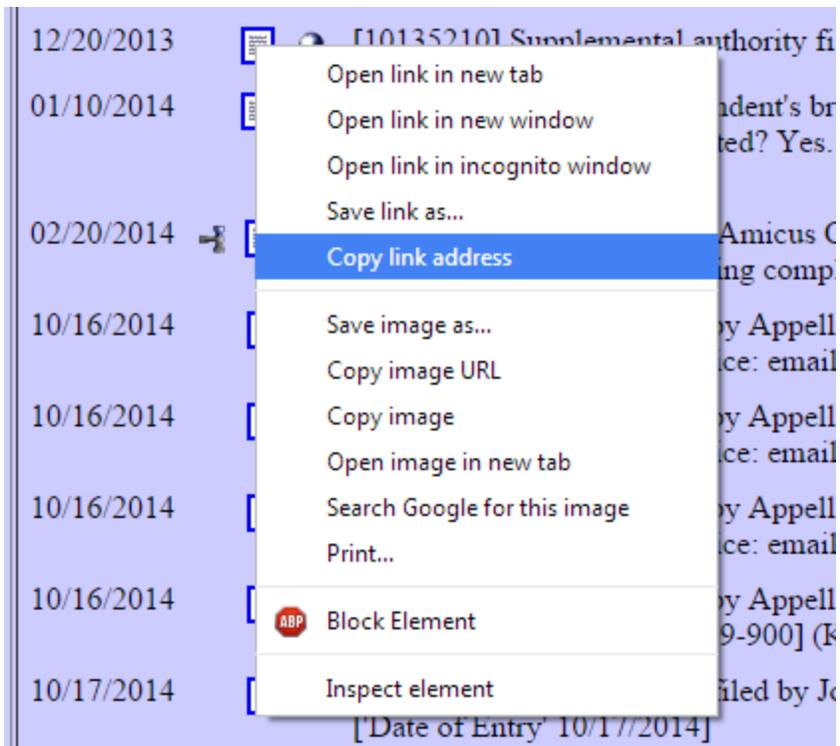
5. If you are filing a motion for leave to file a pleading, please add the proposed pleading as an attachment to the motion filed docket event. If the motion is granted, the clerk's office will docket the pleading separately.
6. When submitting an entry of appearance form, it is preferable to have a single form contain multiple attorney names. Each attorney does not have to file a separate entry of appearance form.
7. 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. If there is no other counsel of record available to file your entry of appearance, please contact the court to get permission to submit your entry of appearance via email. Once you are formally added to the case, you will be able to file all pleadings in the case.
9. Case initiating documents for original proceedings and any accompanying attachments/appendices must be submitted via ECF/pay.gov when the filing party is represented by counsel (see this User's Manual at Sections X-XII for specifics on how to submit). Pro se parties may submit case-initiating documents via the court's website or in paper form. Electronically filed appendices are limited to 30 megabytes per uploaded file. More than one file may be uploaded to a particular entry, but the total file size for a multi-document filing may not exceed 150 megabytes per transaction. 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 E 4.

## A. How to Create Hyperlinks in your Document

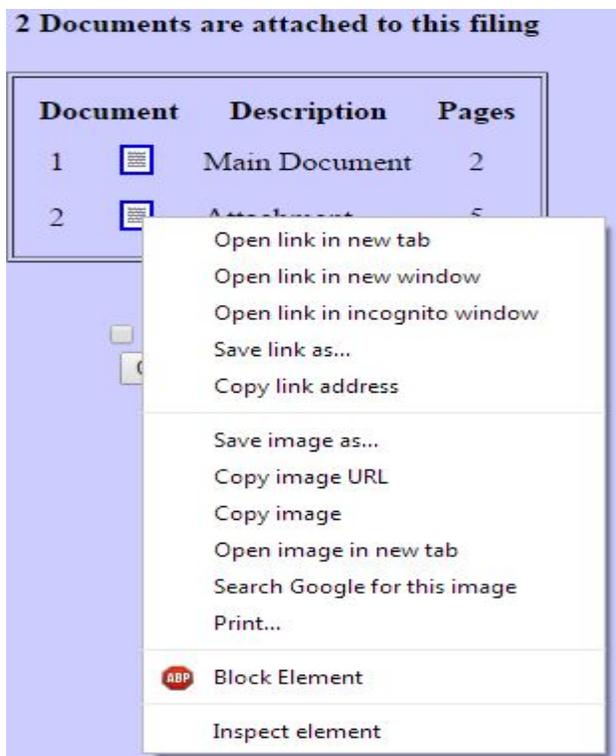
The instructions below describe the process for creating hyperlinks in a PDF document. The addition of hyperlinks to your ECF document is optional, and not required by the court. The hyperlink will connect the reader to another PDF document on file in the court's CM/ECF filing database. The hyperlinked document can be a document filed previously, like an appendix, or it can be a document 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 be docketed and on file 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.

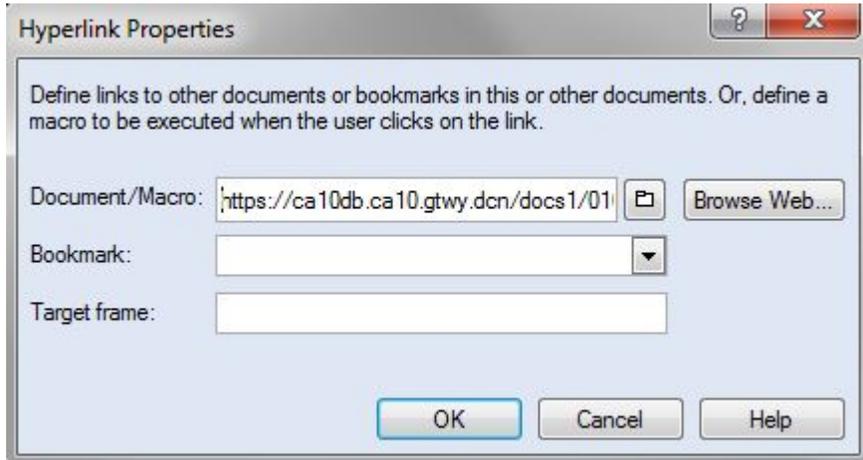
- d. Open the word processing document where you will be pasting in the link.
- e. In the document, highlight the citation text for which you want to create the hyperlink.

*See* 10<sup>th</sup> 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 (10<sup>th</sup> 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. ¶

- f. NOTE: 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.

## B. How 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:  
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* 10<sup>th</sup> 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 \(10<sup>th</sup> Cir., Sept. 13, 1994\)](#). 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.

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

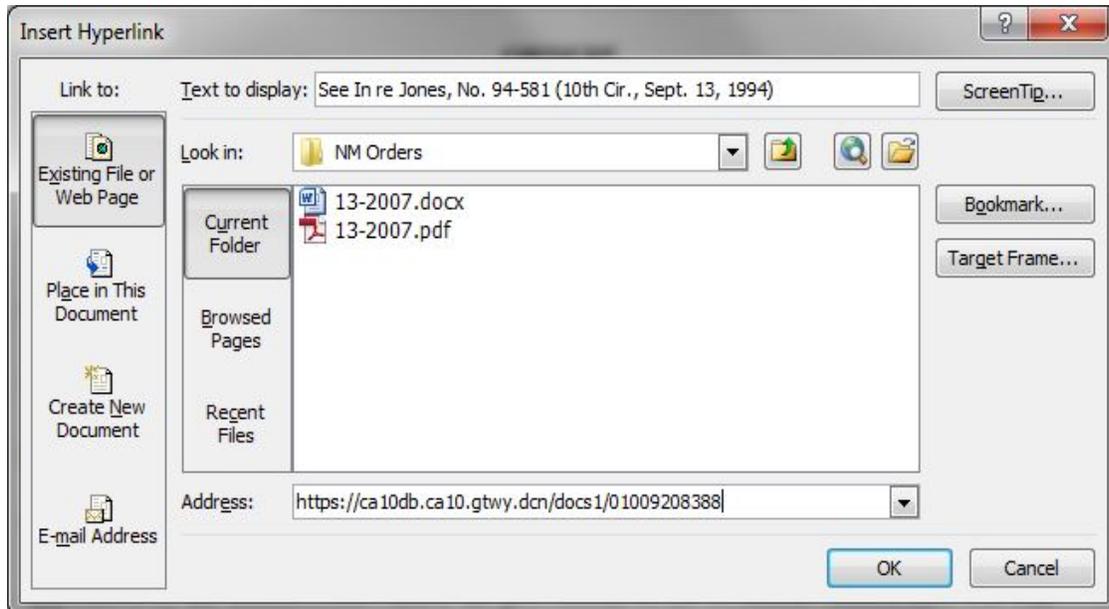
You must use the option of **Publish to PDF** or the **Publish to** option on the **File** Menu, and then choose **PDF**.

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.

### C. How 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:  
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* 10<sup>th</sup> 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 \(10<sup>th</sup> Cir., Sept. 13, 1994\)\*](#) 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, then 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.

## D. How to Create 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 10<sup>th</sup> 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 (10<sup>th</sup> 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.¶

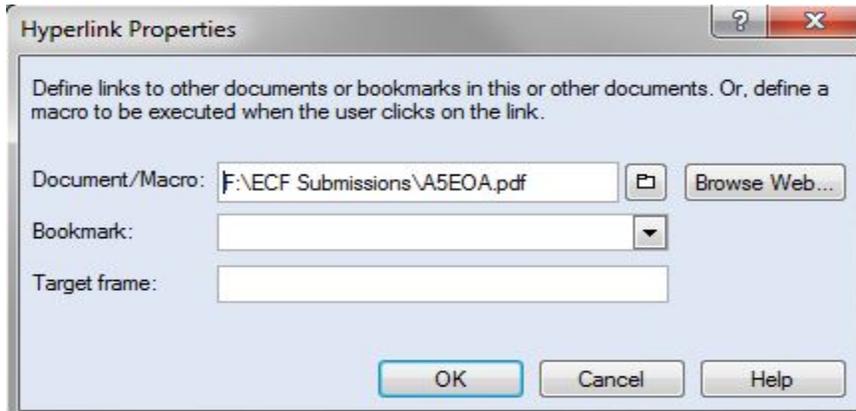
## E. How to Create the Hyperlink to an Attachment and Produce a PDF in WordPerfect

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:  
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* 10<sup>th</sup> 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 \(10<sup>th</sup> Cir., Sept. 13, 1994\)](#). 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.

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

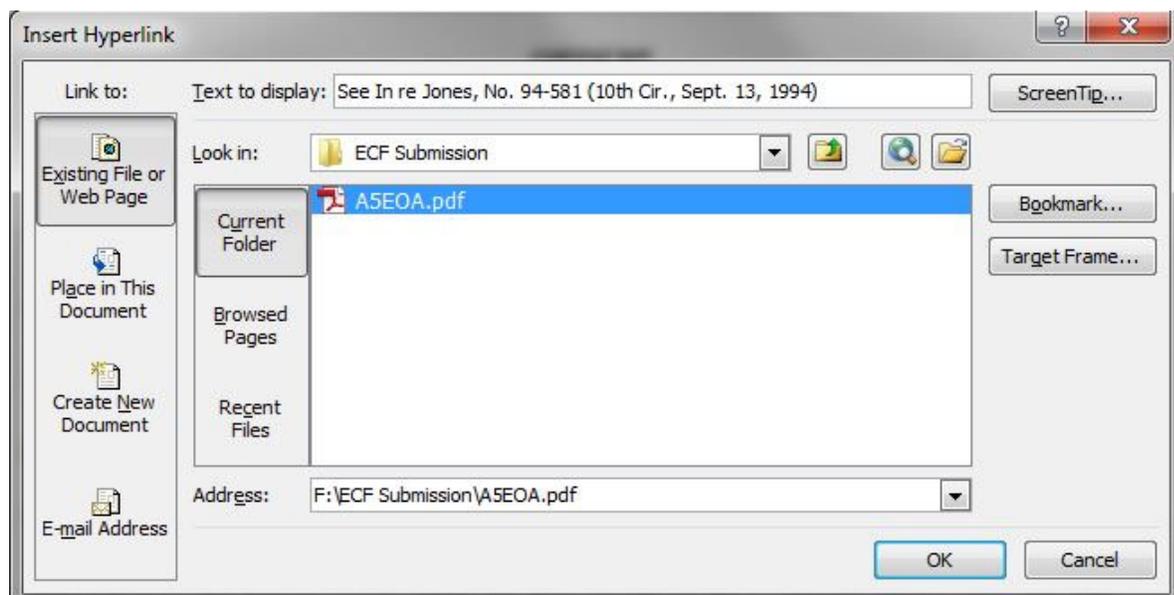
You must use the option of **Publish to PDF** or the **Publish to** option on the **File** Menu, and then choose **PDF**.

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.

## F. How 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:  
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* 10<sup>th</sup> 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 \(10<sup>th</sup> Cir., Sept. 13, 1994\)\*](#) 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.

- a. Open Adobe Acrobat.
- b. From the File menu, choose Create PDF > From File.
  - i. A navigation dialog box opens.
- c. In the navigation dialog box, find and select the document that you want to convert to PDF, then click the Open button.
- d. (A series of dialog boxes will open while the document is converted to PDF.)
- e. When the conversion is complete, save the PDF file in the directory of your choice.

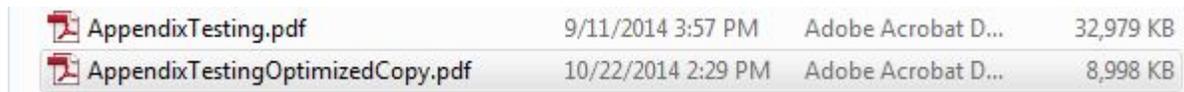
Your PDF document with hyperlinks is now ready to be filed.

## G. How to Compress Large PDF Documents

The following section describes how to compress large PDF documents into smaller files for submission using the court's CM/ECF system. The maximum file size the court's filing system will accept for each PDF attachment is 30 MB. Please be aware that user internet speeds may impact filing time, and that uploading large PDF files may take longer. If the file size is too large, it will not be accepted. File compression using Adobe Acrobat is always recommended. To compress PDF files users will need Adobe Acrobat Standard or Pro.

### 1. Compressing Large Files

- a. Open Adobe Acrobat and access the PDF document that you will be compressing.
- b. From the top menu bar, select File, Reduce File Size.
- c. You will be prompted to save the compressed file. 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

- d. If the PDF document has been sufficiently compressed, you are ready to file document.
- e. You can also make your PDF searchable via Tools, Scan & OCR. Select Recognize Text to ensure that your PDF is fully searchable.

## H. How to Create an Appendix Using the District Court Docket

This section will describe how to use district court docketing functionality to put together an appendix. By using the district court's "Create Appendix" function the system will automatically create bookmarks in the PDF for the documents you select from the district court docket report (please note bookmarks are required). In addition, note that due to access issues, sealed documents may not be available when using this functionality. Any sealed pleadings included in an appendix may need to be compiled separately.

Use of the district court's "Create Appendix" functionality is not, however, required. Other methods of creating the electronic appendix may be used if they comply fully with court rules (for example, compiling a paper appendix, and then scanning it to PDF).

1. Access the district court's pacer website. For some districts, counsel may need to log in to the district court's ECF filing system to access the **Create Appendix** functionality. If this option is unavailable, counsel will have to use other means to compile the electronic appendix.
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.

**Docket Sheet**

Case number   Click "Show Case List" to see any available abridged c

**Filed**  to   
 **Entered**  to

**Documents**  to

**Include:**

- Parties and counsel
- Terminated parties
- List of member cases
- Restricted entries
- Sealed entries
- Links to Notices of Electronic Filing

**Document options:**

- Include headers when displaying PDF documents
  - View multiple documents
  - Create Record on Appeal
  - Create Appendix
- Exclude entries with these types of restrictions:
- court user
  - ex parte
  - applicable party

**Abridged docket report:**

- Create abridged docket report

Sort by

Make these options my default. Schedule this to run

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.

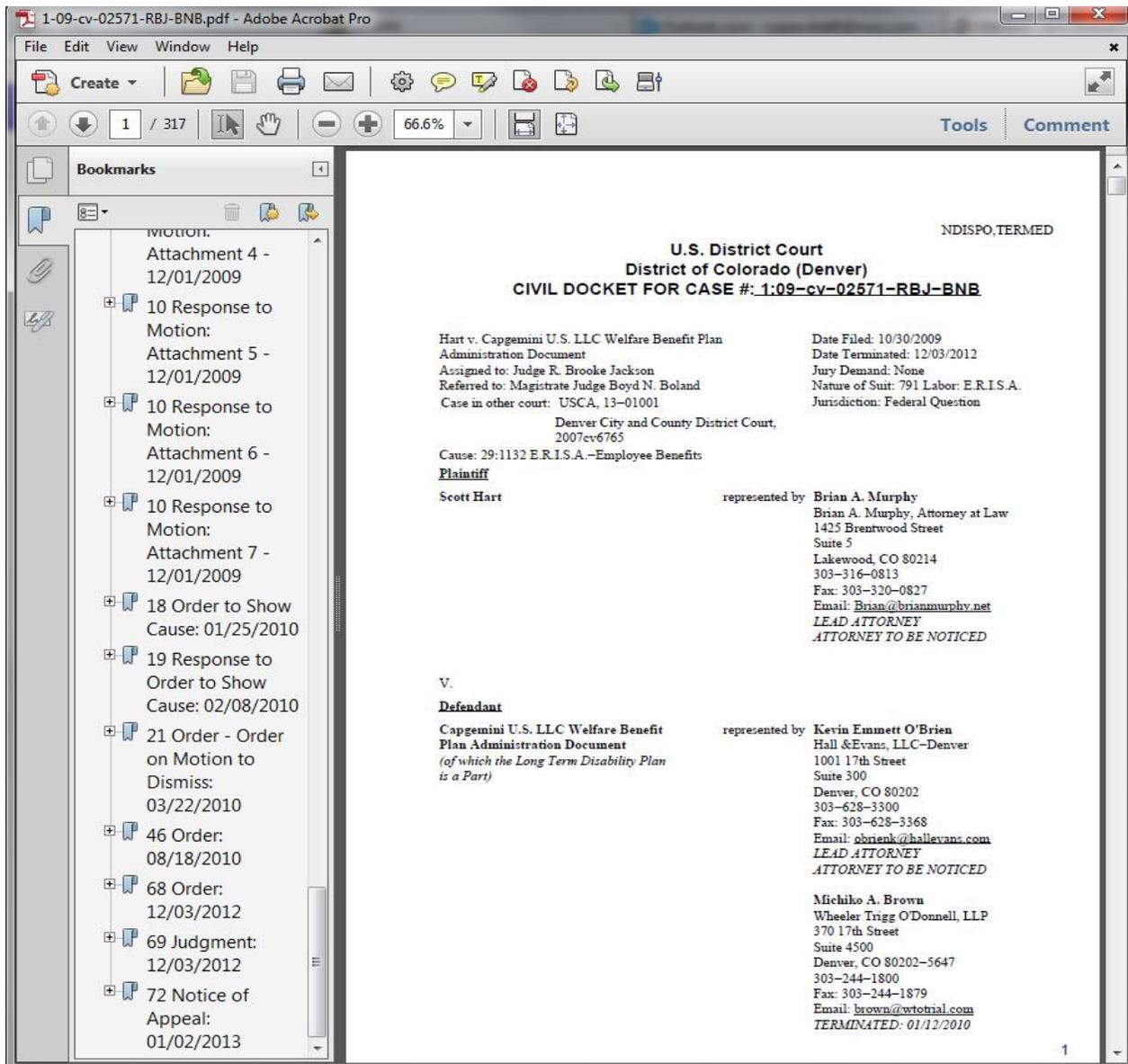
ECF					Civil	Criminal	Query	Reports	Utilities	Search
12/03/2012	<a href="#">68</a>	<input checked="" type="checkbox"/>	86.24KB	<input type="checkbox"/>	ORDER. Plaintiff's claim for benefits under ERISA is DENIED. The Court enters its final w Defendant is awarded its costs per 29 U.S.C. § 1132(g)(1),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

Footer format:   Include full docket sheet  Include documents in Appendix  
 (Numbers, letters, spaces, and <pagenum> only)  Include abridged docket sheet  Include document hyperlinks in Appendix

Total filesize of selected documents (MB):   
 or

8. The **Total file size of selected documents (MB)** is displayed on the bottom of the page. This court has a 30 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 displayed. You may de-select documents to reduce the file size and you may also create multiple appendix volumes to keep each individual volume under the size limit.

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. To edit a bookmark, right-click on it and select 'Rename.'

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

## **VI. ECF EVENT & RELIEF CATEGORY BREAKDOWN**

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.

### **A. ECF EVENT CODES**

Note: all event codes are accessible by selecting All from the Category drop-down menu.

1. Amicus/Intervenor's Motions/Briefing
  - a. Amicus Curiae Brief
  - b. Amicus Curiae Motion\*
  - c. Intervenor Motion\*
  - d. Intervenor's Brief
  - e. Notice of Intervention
  
2. Attorney Discipline
  - a. Attorney Discipline Response
  
3. Bill of Costs
  - a. Bill of Costs
  
4. Fee Payment for Original Proceeding
  - a. Pay Fee for Petition for Review
  - b. Pay Fee for Writ of Mandamus
  
5. Filing a Brief
  - a. Anders Brief
  - b. Appellant/Petitioner's Appendix
  - c. Appellant/Petitioner's Jurisdictional Memo Brief
  - d. Appellant/Petitioner's Opening Brief
  - e. Appellant/Petitioner's Reply Brief
  - f. Appellant/Petitioner's Supplemental Brief
  - g. Appellant/Petitioner's Supplemental Memo Brief
  - h. Appellee/Respondent's Appendix

- i. Appellee/Respondent's Jurisdictional Memo Brief
  - j. Appellee/Respondent's Notice of No Brief
  - k. Appellee/Respondent's Response Brief
  - l. Appellee/Respondent's Supplemental Brief
  - m. Cross-Appeal 1<sup>st</sup> Brief
  - n. Cross-Appeal 2<sup>nd</sup> Brief
  - o. Cross-Appeal 3<sup>rd</sup> Brief
  - p. Cross-Appeal 4<sup>th</sup> Brief
  - q. Death Penalty Appellant/Petitioner's Opening Brief
  - r. Death Penalty Appellant/Petitioner's Reply Brief
  - s. Death Penalty Appellee/Respondent's Response Brief
  - t. Errata Sheet
  - u. Joinder
  - v. Supplemental Appendix Filed
6. Filing A Motion/Application/Response
- a. Answer (Agency Applications for Enforcement Only)
  - b. Death Penalty Motion\*
  - b. Motion\*
  - c. Proposed Judgment (Agency Applications for Enforcement Only)
  - d. Reply
  - e. Response
  - f. Stipulation\*
  - g. Supplement to Motion
7. Oral Argument
- a. Calendar Acknowledgment Form
  - b. Custody Status Form
8. Other
- a. Certificate of Service
  - b. Certified List in Agency Matters
  - d. File a Notice
  - e. File a Tax Court Record
  - f. File an Immigration Record

- g. Notice of Automatic Bankruptcy Stay
  - h. Notice of Change of Address
  - i. Status Report
9. Preliminary Appeal Documents
- a. Designation of Record
  - b. Docketing Statement
  - c. Entry of Appearance
  - d. Notice of Non-Participation
  - e. Rule 26 Disclosure Statement
  - f. Transcript Order Form
10. Rehearing Petition (panel & en banc)
- a. Petition for Rehearing\*
11. Release in a Criminal Case
- a. Appellant/Petitioner's Bail Memo Brief
  - b. Appellee/Respondent's Bail Memo Brief
12. Sealed Briefs and Motions
- a. Death Penalty Sealed Appellant/Petitioner's Opening Brief
  - b. Death Penalty Sealed Appellant/Petitioner's Reply Brief
  - c. Death Penalty Sealed Appellee/Respondent's Response Brief
  - d. Sealed Appellant/Petitioner's Opening Brief
  - e. Sealed Appellant/Petitioner's Reply Brief
  - f. Sealed Appellee/Respondent's Response Brief
  - g. Sealed Cross-Appeal 1<sup>st</sup> Brief
  - h. Sealed Cross-Appeal 2<sup>nd</sup> Brief
  - i. Sealed Cross-Appeal 3<sup>rd</sup> Brief
  - j. Sealed Cross-Appeal 4<sup>th</sup> Brief
  - k. Sealed Docketing Statement
  - l. Sealed Motion
  - m. Sealed Proposed Litigation Budget
  - n. Sealed Response
  - o. Sealed Supplement to Motion

13. Supplemental Authorities
  - a. Supplemental Authority- 28(j) Letter

## **B. ECF RELIEF CODES**

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

1. Abeyance
  - a. Abate Case
  - b. Certify Question of State Law
  
2. Add/Withdraw Party-Attorney
  - a. Appoint Attorney
  - b. Continue Appointment
  - c. Dismiss Party
  - d. Extend Time to File Amicus Brief
  - e. Extend Time to File Appointment Motion
  - f. Extend Time to File Intervenor Brief
  - g. Leave to File an Amicus Curiae Brief
  - h. Leave to File an Intervenor Brief
  - i. Substitute an Attorney
  - j. Substitute a Party
  - k. Withdraw of Attorney of Record
  
3. Briefing
  - a. Abate Case
  - b. Certificate of Appealability
  - c. Consolidate Briefs
  - d. Defer Filing of Appendix
  - e. Exempt from Electronic Appendix Requirement
  - f. Expanded Certificate of Appealability
  - g. Expedite Appeal
  - h. Extend Time to File 1<sup>st</sup> Cross-Appeal Brief
  - i. Extend Time to File 2<sup>nd</sup> Cross-Appeal Brief
  - j. Extend Time to File 3<sup>rd</sup> Cross-Appeal Brief
  - k. Extend Time to File 4<sup>th</sup> Cross-Appeal Brief
  - l. Extend Time to File a Certificate of Appealability
  - m. Extend Time to File Appellant's Bail Memorandum Brief

- n. Extend Time to File Appellant's Brief and Certificate of Appealability
- o. Extend Time to File Appellant's Memorandum Brief
- p. Extend Time to File Appellant's Opening Brief
- q. Extend Time to File Appellant's Reply Brief
- r. Extend Time to File Appellee's Bail Memorandum Brief
- s. Extension of Time to file Appellee's Brief
- t. Extend Time to File Appellee's Memorandum Brief
- u. Extend Time to File Supplemental Brief
- v. File Brief Out of Time
- w. File Consolidated Briefs
- x. File Corrected/Substitute Brief
- y. File Oversized Brief
- x. File Single Copy of Appendix and Waive Service
- aa. File Supplemental Appendix
- bb. Leave to File Appendix
- cc. Leave to File Supplemental Brief
- dd. Leave to Proceed on the Record
- ee. Remand Case
- ff. Submit Appeal on the Briefs
- gg. Supplement the Record on Appeal
- hh. Unseal a Pleading

#### 4. Consolidation

- a. Consolidate Appeals
- b. Consolidate Briefs

#### 5. Dispositive

- a. Dismiss Case
- b. Extend Time to File Motion to Dismiss
- c. Remand Case
- d. Transfer Case

#### 6. Fee

- a. Extend Time to Pay Fee
- b. Extend Time to Pay Fee or File 1915 Forms
- c. Extend Time to Pay Fee or File IFP Forms
- d. Leave to Proceed In Forma Pauperis
- e. Leave to Proceed Under 1915

## 7. Miscellaneous

- a. Amend Pleading
- b. Attorney Fees
- c. Enforce Plea Waiver
- d. Enlarge Time for Oral Argument
- e. Expedite Appeal
- f. Extend Time to File a Response
- g. Extend Time to File Certificate of Service
- h. Extend Time to File Enforcement of Plea Agreement
- i. File Motion Out of Time
- j. File Single Copy of Appendix and Waive Service
- k. Impose Sanction
- l. Injunction Pending Appeal
- m. Leave to Allow Amicus Curiae to Participate at Oral Argument
- n. Leave to Argue via Videoconference
- o. Leave to File Reply
- p. Preliminary Injunction
- q. Reconsider
- r. Release Oral Argument Recording
- s. Release Pending Appeal (Bail)
- t. Remand Case
- u. Reschedule a Case Management Conference
- v. Reschedule Oral Argument
- w. Seal a Pleading
- x. Strike a Pleading
- y. Submit Appeal on the Briefs
- x. Take Judicial Notice
- aa. Unseal a Pleading
- bb. Vacate Argument
- cc. Vacate Order
- dd. Waive Pleading/Requirement

## 8. Preliminary Materials

- a. Certificate of Appealability
- b. Extend Time to File Designation of Record
- c. Extend Time to File Docketing Statement
- d. Extend Time to File Notice of Appearance
- e. Extend Time to File Transcript
- f. Extend Time to File Transcript Order Form
- g. File Designation of Record Out of Time
- h. File Docketing Statement Out of Time

- i. For Stay
- j. Injunction Pending Appeal
- k. Leave to Proceed In Forma Pauperis
- l. Preliminary Injunction
- m. Release Pending Appeal (Bail)

9. Record on Appeal

- a. Borrow Record on Appeal
- b. Extend Time to File Agency Record on Appeal
- c. File Single Copy of Appendix and Waive Service
- d. File Supplemental Appendix
- e. Leave to File Appendix
- f. Leave to Proceed on the Record
- g. Supplement the Record on Appeal

10. Rehearing/Post Disposition

- a. Attorney Fees
- b. Extend Time to File Petition for Rehearing
- c. File Petition for Rehearing Out of Time
- d. Panel Rehearing
- e. Publish Decision
- f. Recall Mandate
- g. Rehearing En Banc
- h. Reopen Appeal
- i. Stay Issuance of Mandate

## **VII. 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 ([clerk@ca10.uscourts.gov](mailto: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; email: [pacer@psc.uscourts.gov](mailto:pacer@psc.uscourts.gov)). PACER Service Center hours are 8:00 a.m. to 6:00 p.m. Monday- Friday CST. Information may also be found on PACER's web site: <https://pacer.uscourts.gov>.

## VIII. 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. *See* Fed. R. App. P. 25(a)(2)(B)(i). You may not open a new appeal via ECF; notices of appeal must be filed in the trial court, which will forward the appeal to this court. Case-initiating documents in original proceedings and agency matters must be submitted via ECF/pay.gov if the filing party is represented by counsel. Pro se parties may submit case-initiating documents via the court's website or in paper form.

### **2. Do I need to send the clerk a paper copy of a document filed through CM/ECF?**

No, except for briefs and appendices **if ordered by the court**. If requested, you must provide the court with the number of hard copies requested in the minute order of any merits brief filed. In addition, the court will order a hard copy of any appendix filed if required (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?**

No, unless a party to the appeal is not a registered ECF participant. A certificate of service is required if a party is served outside of ECF. 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* Fed. R. App. P. 25(c)(1) and 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 must file a motion with the court requesting permission to file electronically in a specific case. *See* Fed. R. App. P. 25(a)(2)(B)(ii). 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. 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 filer with a valid CM/ECF login and password 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 Entry of Appearance docketing event/option in the court's CM/ECF system. Information on how to docket pleadings is available via the Help and Getting Started drop-down menus accessible in the top menu bar, as well as in the court's CM/ECF Users 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 Pleadings category. These events were specifically designed to seal all pleadings filed in this category. You may file selected pleadings via this manner. Failure to select the Sealed Pleadings category will result in your pleading being filed as a public document.

**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 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 using your CM/ECF user 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/Briefs category. You must select either the Amicus Curiae Motion or Amicus Curiae Brief. If you are moving to intervene in an appeal, you must choose File a Notice of Intervention or Intervenor Motion. 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 <http://www.ca10.uscourts.gov>. Additional resources are available via the Help and Getting Started top menu tabs in CM/ECF. 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.uscourts.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 maintenance or other 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 need to file something but I cannot log in. What's going on?**

Make sure you have an upgraded PACER account (that is, that you have followed the instructions in the ECF Manual for filing in NextGen) and have applied for filing privileges with the 10th Circuit. Also, make sure you are using the correct login and password. The 10th Circuit became a NextGen court in May 2017. Please note ECF users must register for each circuit separately; registration in another circuit will not allow you to file in this circuit. 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 file in this court. If you have forgotten your username and/or password, you must contact PACER. The court does not have access to that information.

## IX. HOW TO SUBMIT AN APPLICATION FOR BAR ADMISSION OR REQUEST FOR A CERTIFICATE OF GOOD STANDING WITH FEE PAYMENT

The court's Electronic Case Filing system (ECF), along with Pay.gov to pay the fee, may be used to submit your application for bar admission or your request for a certificate of good standing. You must be a registered ECF user with this court to submit your application/request and payment in this manner.

Make sure you have your application to the bar and any supporting documents ready to upload. All documents must be in searchable PDF format and no PDF may exceed 30 MB in size.

1. On the start-up page after logging into ECF, select Utilities to see the submission options. Select *Bar Admission* or *Request Certificate of Good Standing*
2. In this example, we will use Bar Admission to submit a payment with the application (note: the steps for requesting a certificate of good standing are essentially identical to what is outlined here). After making your selection, the Bar Admission page will open.

CM ECF Filing Reports Utilities Help Getting Started Log Out Tenth Circuit Court of Appeals

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**Bar Admission**

PLEASE READ THE FOLLOWING DIRECTIONS CAREFULLY

1. Enter your State Bar Number and select your State of Residence.
2. If applicable, select the Fee Waiver Reason from the drop down menu. Contact the court at 303-335-3157 if you are unsure if you qualify for a waiver.
3. Type the word "Application" in the description field and attach your Application for Admission in PDF format by clicking the "Browse" button.
4. You may attach a Certificate of Good Standing or other documents in PDF format by completing the description field and clicking the "Browse" button.
5. After attaching your documents you must click on "Pay Fee and Submit Application" to start the payment process.
6. You will be automatically directed to the Pacer website where you will be required to log into your ECF account to continue the payment process.
7. Once your payment has been submitted you will be redirected back to the ECF filing system.

Jurisdiction  
10th Circuit Court of Appeals

State Bar Number

State of Residence

Reason for Fee Waiver

Fee Amount  
\$225.00

Submit Documents

Description

3. Enter your State Bar Number and select your State of Residence from the drop-down menu.
4. If you are a CJA attorney with an appointment in this court, or a federal government attorney, you may select the applicable *Reason for Fee Waiver* from the drop-down menu.

Tenth Circuit Court of Appeals

CM ECF Filing Reports ▾ Utilities ▾ Help Getting Started Log Out

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**Bar Admission**

PLEASE READ THE FOLLOWING DIRECTIONS CAREFULLY

1. Enter your State Bar Number and select your State of Residence.
2. If applicable, select the Fee Waiver Reason from the drop down menu. Contact the court at 303-335-3157 if you are unsure if you qualify for a waiver.
3. Type the word "Application" in the description field and attach your Application for Admission in PDF format by clicking the "Browse" button.
4. You may attach a Certificate of Good Standing or other documents in PDF format by completing the description field and clicking the "Browse" button.
5. After attaching your documents you must click on "Pay Fee and Submit Application" to start the payment process.
6. You will be automatically directed to the Pacer website where you will be required to log into your ECF account to continue the payment process.
7. Once your payment has been submitted you will be redirected back to the ECF filing system.

Jurisdiction  
10th Circuit Court of Appeals

State Bar Number  
123456

State of Residence  
Colorado ▾

Reason for Fee Waiver  
- ▾

Fee Amount  
\$225.00

Submit Documents

Description

[Browse...](#) Click Browse to add another document.

Document	Description	Size	Sequence	Remove All
<a href="#">A5EOA.pdf</a>	Application	36 KB	↓	✘
<a href="#">A-12BRF.PDF</a>	Certificate of Good Standing	7 KB	↑	✘

[Pay Fee and Submit Application](#)

5. Type "Application" in the Description field for the document and click the *Browse* button to select your PDF attachments.
  - a. Search for the PDF file that contains your bar application.
  - b. Select the appropriate file and click the *Open* button.

6. If you need to attach further documentation or attachments, complete the Description field and click the **Browse** button to select your PDF attachments.
7. After attaching your documentation, click the **Pay Fee and Submit** button to begin the submission of the credit card payment. You will now be connected to PACER where you must log in using your ECF username and Password.

  
Public Access To Court Electronic Records

## Manage My Account

Enter your PACER credentials to update personal information, register to e-file, make an online payment, or to perform other account maintenance functions.

 **Login**

*\* Required Information*

**Username \***      **YourUserName**

**Password \***     

**Not testertwo10thcircuit?** [Click here to login as a different user](#)

[Need an Account?](#) | [Forgot Your Password?](#) | [Forgot Username?](#)

**NOTICE:** This is a restricted government website for official PACER use only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are *logged*.

# Manage My Account

... TRAIN ... TRA

<b>Account Number</b>	0000000
<b>Username</b>	YourUserName
<b>Account Balance</b>	\$0.00
<b>Case Search Status</b>	Active
<b>Account Type</b>	Upgraded PACER Account

## Pay Attorney Admission/Renewal Fee for U.S. Court Of Appeals, Tenth Circuit (test)

### \* Required Information

#### Payment Amount

Amount Due \* **\$225.00**

#### Select a Payment Method



YourUserName  
XXXXXXXXXXXX9424  
01/2035



Enter a credit card

**Note: We protect the security of your information during transmission using Secure Sockets Layer (SSL) software, which encrypts information you submit.**

Next

Cancel

8. Verify the amount due is correct.
9. You may use the credit card on file or enter another credit card to make the payment.
10. Click *Next* to continue.
11. Complete the Court Specific section, including Attorney Name, Contact Phone Number and Person Completing Transaction fields so that the court may contact you if there are any issues with the payment.
12. You must complete the Email Receipt section to receive an emailed receipt for the transaction.



13. Check the Authorization box and click the **Submit** button to complete the transaction.
14. A notification screen indicating the payment was successful will appear briefly and you will then be redirected automatically to the ECF system.

**Manage My Account**

. TRAIN ... TRAIN ...

<b>Account Number</b>	0000000
<b>Username</b>	YourUserName
<b>Account Balance</b>	\$0.00
<b>Case Search Status</b>	Active
<b>Account Type</b>	Upgraded PACER Account

**Pay Other Court Fee for U.S. Court Of Appeals, Tenth Circuit (test)**

**Payment Successful**

Your payment was successful. You will now be redirected back to U.S. Court Of Appeals, Tenth Circuit (test) to view your receipt or complete your transaction.

If you are not redirected within 30 seconds, click the 'Submit' button below. Do not click the Refresh or Back buttons, as this may result in multiple charges.

If this problem continues to occur, please contact the court.

**Submit**

15. If the transaction was successful, a copy of the receipt will be displayed in the ECF application and you may print it for your records.

CM<sup>ECF</sup> Filing Reports Utilities Help Getting Started Log Out Tenth Circuit Court of Appeals

Your payment is complete. [Print](#) the payment receipt.

Receipt	A10-41795-73
Payment Date	04/11/2017
Amount	\$225.00
Fee Type	Attorney Admissions
Bar Status	Pending Review

16. You may continue to file other pleadings, or you may log out if you are finished.

## X. 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).
2. Log into ECF and select **Filing** from the list of menu options.
3. Enter your case number and type "fee" in the Type of Document field.
4. Click on Pay Fee for Petition for Review to highlight the selection and click **Continue**.

CM ECF Filing Reports ▾ Utilities ▾ Help Getting Started Log Out

**File a Document**

Case Number  
16-9506 Smithers v. Sessions

Filed  
03/30/2017

Type of Document ^	Category ⇅
fee	All
Pay Fee for Petition for Review	Fee Payment for Original Proceedings
Pay Fee for Writ of Mandamus	Fee Payment for Original Proceedings

Continue

5. On the following screen you will click on the name of the party filer to select the filer.

**File a Document | Pay Fee for Petition for Review**

File to case: 16-9506

**Party Filer**

In the section below, please select the party filing this pleading.

Filer	Type	Case
Smithers, James	Petitioner-null	16-9506 Smithers v. Sessions

[Select All](#)

Selected

Filer	Type	Case	Remove All
Smithers, James	Petitioner-null	16-9506 Smithers v. Sessions	

**Attention**

After clicking on "Pay Fee" you will be automatically directed to the Pacer Website where you will be required to log into you ECF account to continue the payment process.

Once your payment has been submitted you will be redirected back to the ECF filing system.

**Fee**

*Fee Payment for Petition for Review*

Fee Amount  
\$500.00

[Continue](#)

[Cancel](#)

6. Verify the fee amount is correct and click *Continue* to proceed.

**File a Document | Pay Fee for Petition for Review**

File to case: 16-9506

**Party Filer**

**Attention**

**Fee**

**Docket Text**

Fee paid for petition for review by James Smithers. Fee Amount: \$500.00 [16-9506]

[Continue](#)

[Cancel](#)

7. Confirm the docket text is correct and click *Continue* to proceed.

**File a Document | Pay Fee for Petition for Review**

File to case: 16-9506

- ▶ Party Filer
- ▶ Attention
- ▶ Fee
- ▶ Docket Text
- ▼ Final Review

File to Case  
16-9506

Type of Document  
Pay Fee for Petition for Review

Party Filer  
Smithers, James (Petitioner-null) 16-9506

Fee  
Fee Amount: \$500.00 Petition for Review

Docket Text  
Fee paid for petition for review by James Smithers. Fee Amount: \$500.00 [16-9506]

After you click the **Pay Fee** button, you cannot change this filing. Because payment of a fee is required, you will be directed to the PACER website. The filing will not be completed until payment is made.



Have you redacted personal identifiers from the document you filed?

**Pay Fee** [Edit](#) [Cancel](#)

- At this point, you may click **Edit** to modify the event, or select **Pay Fee** to begin the submission of the credit card payment. You will now be connected to PACER where you must log in using your ECF username and Password.



## Manage My Account

Enter your PACER credentials to update personal information, register to e-file, make an online payment, or to perform other account maintenance functions.

**➔ Login**  
\* Required Information

**Username \*** YourUserName

**Password \***

Not testertwo10thcircuit? [Click here to login as a different user](#)

[Need an Account?](#) | [Forgot Your Password?](#) | [Forgot Username?](#)

**NOTICE:** This is a restricted government website for official PACER use only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are *logged*.

## Manage My Account

TRAIN ... TRAIN

<b>Account Number</b>	0000000
<b>Username</b>	YourUserName
<b>Account Balance</b>	\$0.00
<b>Case Search Status</b>	Active
<b>Account Type</b>	Upgraded PACER Account

### Pay Other Court Fee for U.S. Court Of Appeals, Tenth Circuit (test)

#### \* Required Information

##### Payment Amount

Amount Due \*      **\$500.00**

##### Select a Payment Method

-   
YourUserName  
XXXXXXXXXXXX9424  
01/2035
- Enter a credit card

**Note: We protect the security of your information during transmission using Secure Sockets Layer (SSL) software, which encrypts information you submit.**

Next

Cancel

9. Verify the amount due is correct.
10. You may use the credit card on file or enter another card to make the payment.
11. Click *Next* to continue.

<b>Account Number</b>	0000000
<b>Username</b>	YourUserName
<b>Account Balance</b>	\$0.00
<b>Case Search Status</b>	Active
<b>Account Type</b>	Upgraded PACER Account

**Pay Other Court Fee for U.S. Court Of Appeals, Tenth Circuit (test)**

Payment Summary	
<b>Payment Method</b>	<b>Payment Details</b>
 XXXXXXXXXXXX9424 01/2035  YourUserName 555 Attorney Lane Aurora, CO 80013 USA	<b>Payment Amount</b> \$500.00 <b>Fee Type</b> Other Court Fee

Court Specific	
Attorney Name *	<input type="text" value="Jim Doe"/>
Person Completing Transaction *	<input type="text" value="Jane Doe"/>
Contact Phone Number *	<input type="text" value="555-555-5555"/>

Email Receipt	
Email	<input type="text" value="abc@gmail.com"/>
Confirm Email	<input type="text" value="abc@gmail.com"/>
Additional Email Addresses	<input type="text"/>

Authorization	
<input checked="" type="checkbox"/>	I authorize a charge to my credit card for the amount above in accordance with my card issuer agreement. *

**Note: We protect the security of your information during transmission using Secure Sockets Layer (SSL) software, which encrypts information you submit.**

12. Complete the Court Specific section, including Attorney Name, Contact Phone Number and Person Completing Transaction so that the court may contact you if there are any issues with the payment.

13. You must complete the Email Receipt section to receive an email receipt for the transaction.

14. Check the Authorization box and Click the **Submit** button to complete the transaction.

15. A notification screen indicating the payment was successful will appear briefly and you will then be redirected automatically to the ECF system.

The screenshot shows the 'Manage My Account' interface. At the top, there is a blue header with the text 'Manage My Account' and a decorative orange bar with the word 'TRAIN' repeated. Below the header, a white box contains account information:

<b>Account Number</b>	0000000
<b>Username</b>	YourUserName
<b>Account Balance</b>	\$0.00
<b>Case Search Status</b>	Active
<b>Account Type</b>	Upgraded PACER Account

Below this, a blue bar indicates the current action: 'Pay Other Court Fee for U.S. Court Of Appeals, Tenth Circuit (test)'. A white box with a blue header 'Payment Successful' contains the following text:

Your payment was successful. You will now be redirected back to U.S. Court Of Appeals, Tenth Circuit (test) to view your receipt or complete your transaction.

If you are not redirected within 30 seconds, click the 'Submit' button below. Do not click the Refresh or Back buttons, as this may result in multiple charges.

If this problem continues to occur, please contact the court.

At the bottom of the white box is a blue 'Submit' button.

16. If the transaction was successful, a copy of the receipt will be displayed in the ECF application and you may print it for your records.

The screenshot shows the ECF application interface. At the top, there is a navigation bar with the CM ECF logo and links for 'Filing', 'Reports', 'Utilities', 'Help', 'Getting Started', and 'Log Out'. The page title is 'Tenth Circuit Court of Appeals'. The main content area displays a message: 'The filing has been completed successfully. [Print](#) the payment receipt.'

Below the message, a receipt summary is shown:

Receipt	A10-41791-489
Payment Date	04/06/2017
Amount	\$500.00
Fee Type	Petition for Review

At the bottom of the receipt summary is a blue 'OK' button.

17. You may click **OK** to continue filing other pleadings or you may log out if you are finished.

## **XI. HOW TO SUBMIT AN ORIGINAL PROCEEDING WITH FEE PAYMENT**

**The court's Electronic Case Filing system (ECF), and Pay.gov for fee payments, may be used to submit your agency petition for review, or writ of mandamus/prohibition. You must be a registered ECF user with this court to submit the petition and/or payment in this manner.**

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 no PDF may exceed 30 MB in size.

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 the current tab and look like the image below. Please read the directions on the screen carefully before proceeding with your petition submission and payment.

**Pay Agency Fee by Credit Card**

**PLEASE READ THE FOLLOWING DIRECTIONS CAREFULLY**

1. Please attach your Petition for Review in PDF format by filing in the Description field and clicking the "Browse" button to attach your pleading.
2. You may include a motion for stay or attach additional documents (attachments) by filing in the description field followed by clicking the "Browse" button.
3. After attaching your documents you must click on "Pay Fee and Submit" to start the payment process.
4. You will be automatically directed to the Pacer website where you will be required to log into your ECF account to continue the payment process.
5. Once your payment has been submitted you will be redirected back to the ECF filing system.
7. The court will notify all parties of your filing/petition once a docket number has been assigned.

If this is an emergency matter or you are seeking immediate relief, please contact the Clerks Office at 303-335-3157 to ensure that the matter is handled expeditiously.

**Type**

**Amount**  
 \$500.00

Submit Documents

**Description**

Browse...

Pay Fee and Submit

5. After carefully reading the on-screen directions, fill in the Description field for the document and 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. If you need to attach further documentation or attachments, complete the Description field and click the **Browse** button to select your PDF attachments.

**Pay Agency Fee by Credit Card**

PLEASE READ THE FOLLOWING DIRECTIONS CAREFULLY

1. Please attach your Petition for Review in PDF format by filing in the Description field and clicking the "Browse" button to attach your pleading.
2. You may include a motion for stay or attach additional documents (attachments) by filing in the description field followed by clicking the "Browse" button.
3. After attaching your documents you must click on "Pay Fee and Submit" to start the payment process.
4. You will be automatically directed to the PACER website where you will be required to log into your ECF account to continue the payment process.
5. Once your payment has been submitted you will be redirected back to the ECF filing system.
7. The court will notify all parties of your filing/petition once a docket number has been assigned.

If this is an emergency matter or you are seeking immediate relief, please contact the Clerks Office at 303-335-3157 to ensure that the matter is handled expeditiously.

Type  
Petition for Review

Amount  
\$500.00

Submit Documents

Description

Browse... Click Browse to add another document.

Document	Description	Size	Sequence	Remove All
<a href="#">A5EOA.pdf</a>	Petition for Review	36 KB	↓	✖
<a href="#">A-12BRF.PDF</a>	Agency Order	7 KB	↑	✖

**Pay Fee and Submit**

7. After attaching your documentation, click the *Pay Fee and Submit* button to begin the submission of the credit card payment. You will now be connected to PACER where you must log in using your ECF username and Password.



Public Access To Court Electronic Records

Manage My Account

Enter your PACER credentials to update personal information, register to e-file, make an online payment, or to perform other account maintenance functions.

**➔ Login**

\* Required Information

**Username \***      YourUserName

**Password \***     

Not testertwo10thcircuit? [Click here to login as a different user](#)

[Need an Account?](#) | [Forgot Your Password?](#) | [Forgot Username?](#)

**NOTICE:** This is a restricted government website for official PACER use only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

## Manage My Account

TRAIN ... TRAIN

<b>Account Number</b>	0000000
<b>Username</b>	YourUserName
<b>Account Balance</b>	\$0.00
<b>Case Search Status</b>	Active
<b>Account Type</b>	Upgraded PACER Account

### Pay Other Court Fee for U.S. Court Of Appeals, Tenth Circuit (test)

#### \* Required Information

##### Payment Amount

Amount Due \*      **\$500.00**

##### Select a Payment Method

-   
YourUserName  
XXXXXXXXXXXX9424  
01/2035
- Enter a credit card

**Note: We protect the security of your information during transmission using Secure Sockets Layer (SSL) software, which encrypts information you submit.**

[Next](#)   [Cancel](#)

8. Verify the amount due is correct.
9. You may use the credit card on file or enter another credit card to make the payment.
10. Click *Next* to continue.
11. Complete the Court Specific section, including Attorney Name, Contact Phone Number and Person Completing Transaction fields so that the court may contact you if there are any issues with the payment.
12. You must complete the Email Receipt section in order to receive an emailed receipt for the transaction.

**Manage My Account**

AIN ... TRAIN ... T

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<b>Account Number</b>	0000000
<b>Username</b>	YourUserName
<b>Account Balance</b>	\$0.00
<b>Case Search Status</b>	Active
<b>Account Type</b>	Upgraded PACER Account

**Pay Other Court Fee for U.S. Court Of Appeals, Tenth Circuit (test)**

Payment Summary	
<b>Payment Method</b>  XXXXXXXXXXXX9424 01/2035  YourUserName 555 Attorney Lane Aurora, CO 80013 USA	<b>Payment Details</b> <b>Payment Amount</b> \$500.00 <b>Fee Type</b> Other Court Fee

**Court Specific**

Attorney Name *	<input type="text" value="Jim Doe"/>
Person Completing Transaction *	<input type="text" value="Jane Doe"/>
Contact Phone Number *	<input type="text" value="555-555-5555"/>

**Email Receipt**

Email	<input type="text" value="abc@gmail.com"/>
Confirm Email	<input type="text" value="abc@gmail.com"/>
Additional Email Addresses	<input type="text"/>

**Authorization**

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

**Note: We protect the security of your information during transmission using Secure Sockets Layer (SSL) software, which encrypts information you submit.**

13. Check the Authorization box and click the **Submit** button to complete the transaction.
14. A notification screen indicating the payment was successful will appear briefly before you will be automatically redirected to the ECF application.

**Manage My Account**

. TRAIN ... TRAIN ...

<b>Account Number</b>	0000000
<b>Username</b>	YourUserName
<b>Account Balance</b>	\$0.00
<b>Case Search Status</b>	Active
<b>Account Type</b>	Upgraded PACER Account

**Pay Other Court Fee for U.S. Court Of Appeals, Tenth Circuit (test)**

**Payment Successful**

Your payment was successful. You will now be redirected back to U.S. Court Of Appeals, Tenth Circuit (test) to view your receipt or complete your transaction.

If you are not redirected within 30 seconds, click the 'Submit' button below. Do not click the Refresh or Back buttons, as this may result in multiple charges.

If this problem continues to occur, please contact the court.

[Submit](#)

15. If the transaction was successful, a copy of the receipt will be displayed in the ECF application and you may print it for your records.

Tenth Circuit Court of Appeals

CM ECF    Filing    Reports ▾    Utilities ▾    Help    Getting Started    Log Out

Your payment is complete. [Print](#) the payment receipt.

Receipt	A10-41786-129
Payment Date	03/29/2017
Amount	\$500.00
Fee Type	Petition for Review

16. You may continue to file other pleading or log out if you are finished. The court will notify all parties once a docket number has been assigned.

## **XII. HOW TO SUBMIT AN ORIGINAL PROCEEDING WITHOUT IMMEDIATE FEE PAYMENT**

**The court's Electronic Case Filing system (ECF) 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 and/or payment in this manner.**

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 no PDF may exceed 30 MB in size.

The following sections outline how to file a petition electronically without submitting immediate payment, and how to submit payment electronically for an existing petition.

**NOTE: If you are seeking 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 the current tab and will look like the image below. Please read the directions on the screen carefully before proceeding with your petition submission.

**Address Agency Fee Later**

PLEASE READ THE FOLLOWING DIRECTIONS CAREFULLY

1. Please attach your Petition for Review in PDF format by typing "Petition for Review" in the Description field and clicking the "Browse" button.
2. You may include a motion for stay or attach additional documents (attachments) by filing in the description field followed by clicking the "Browse" button.
3. After attaching your documents you must click on "Submit" to complete the transaction.
4. The court will notify all parties once a docket number has been assigned.
5. Payment of the filing fee or submission of an IFP motion will be due within 10 days.

If this is an emergency matter or you are seeking immediate relief, please contact the Clerks Office at 303-335-3157 to ensure that the matter is handled expeditiously.

Type  
Petition for Review Without Fee Payment

Amount  
\$0.00

Submit Documents

Description

Browse... Click Browse to add another document.

Document	Description	Size	Sequence	Remove All
<a href="#">A5FOA.pdf</a>	Petition for Review	36 KB	↓	✖
<a href="#">A-12BRF.PDF</a>	Agency Order	7 KB	↑	✖

Submit

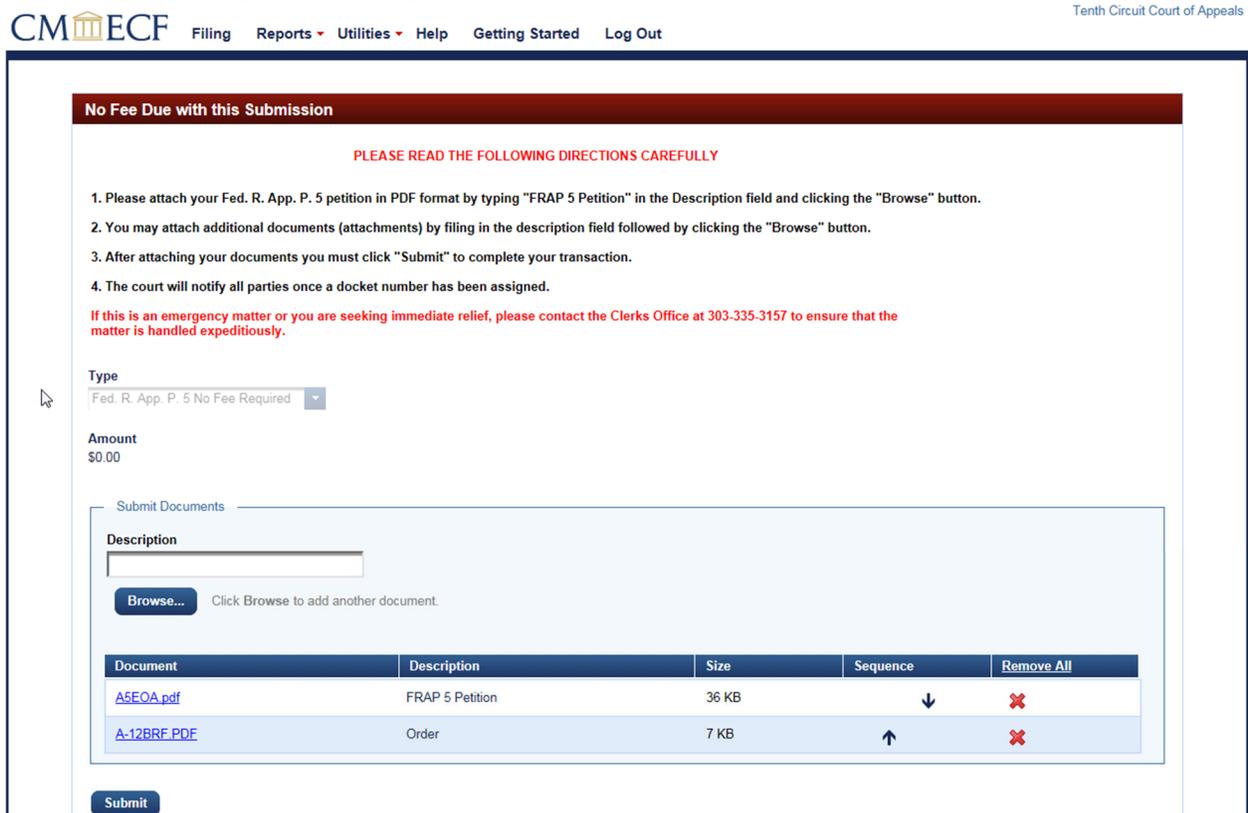
5. After carefully reading the on-screen directions, fill in the Description field for the document and click the **Browse** button to select your PDF attachments.
  - a. Search for the PDF file that contains your agency petition.
  - b. Select the appropriate file and click the **Open** button.
6. If you need to attach further documentation or attachments, complete the Description field and click the **Browse** button to select your PDF attachments.
7. 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.

### XIII. HOW TO SUBMIT A FRAP 5 PETITION

The court’s Electronic Case Filing system (ECF) may be used to submit a petition for permission to appeal under Fed. R. App. P. 5. You must be a registered ECF user with this court to submit the petition in this manner.

Make sure you have your petition and any supporting documents ready to upload. All documents must be in searchable PDF format and no PDF may exceed 30 MB in size.

1. On the start-up page after logging into ECF, select Utilities to see the submission options. Select *Open New Fed. R. App. P. 5*.
2. There is no filing fee associated with this type of petition and you will not be entering any credit card information. As a result, select *No Fee Due with this Submission*.
3. The No Fee Due with this Submission window will open in the current tab and will look like the image below. Please read the directions on the screen carefully before proceeding with your petition submission.



4. After carefully reading the on-screen directions, fill in the Description field for the document and click the *Browse* button to select your PDF attachments.

- a. Search for the PDF file that contains your document.
  - b. Select the appropriate file and click the **Open** button.
5. If you need to attach further documentation or attachments, complete the Description field and click the **Browse** button to select your PDF attachments.
6. After attaching your documentation, click the **Submit** button to complete the submission of your petition.

7. A message indicating your submission is complete will be displayed next to the Submit button. The court will notify all parties once a docket number has been assigned. At this point you may log out or continue to file other pleadings.