

10TH CIRCUIT COURT OF APPEALS ANSWERS TO FREQUENTLY ASKED QUESTIONS

I have filed a notice of appeal but I can't afford to pay the filing fee. What should I do?

An indigent *pro se* appellant **may** be excused from paying the filing fee by filing a motion for leave to proceed *in forma pauperis* in the district court. Contact the district court to obtain the proper form for this type of motion. If the district court denies or does not act in a timely manner on the motion, the *pro se* appellant will be required to file a renewed motion with this court.

How many copies of my documents do I need to send to the court?

The court will accept a single copy of filings from *pro se* litigants. A copy of all filings must be sent to all counsel for the parties involved in the appeal, and all documents must include a certificate of service which states when, what, and who was served.

What are the size limitations for my brief?

An opening brief and any response brief may not exceed 30 pages unless there is a certification of the number of words and that the brief contains less than 13,000 words. A reply brief cannot exceed 15 pages unless the certification states that the word count is less than 6,500 words.

I need more time to file my brief. How can I get an extension of time?

A party can generally get one 30-day extension of time beyond the initial due date without much question, but must file a motion in writing to do so. Obtaining extensions of time beyond an initial 30 days is more difficult. Litigants should plan on getting their briefs finished and filed promptly, as extensions of time to file briefs are disfavored.

Do I need to provide the court with documents/evidence supporting my appeal?

When the appellant is *pro se*, the district court will assemble a record of documents filed in that court and transmit them to this court as the record on appeal. The *pro se* appellant need not provide an appendix or copies of district court documents. This court will not consider additional evidence nor will this court consider arguments that were not raised in the district court proceedings.

How do I obtain copies of my pleadings?

Filers should always retain copies of pleadings they file in this court for their records. To receive a file-stamped copy of a document returned to you, you should include an additional copy of the pleading as well as a self-addressed stamped envelope. Any other requests for pleadings (including copies of the court's docket) should be in writing, and include prepayment for copies at the rate of \$.50 per page. For questions regarding copy requests, you can contact the court at (303) 844-3157. Alternatively, you can register for a PACER account (the court's electronic public access service) through www.pacer.uscourts.gov, and obtain copies that way. Copies obtained through PACER are charged at \$.10 per page retrieved.

I've filed all my documents. What happens next? When will my appeal be decided?

After all the briefs have been filed, a panel of judges will be assigned to decide the appeal. The court's decision will be in writing and will be transmitted to the parties. There is no requirement that the court issue its decision within any particular time frame.

I have questions that aren't answered here. How can I contact the court?

- Visit our website at www.ca10.uscourts.gov for: the Federal and 10th Circuit appellate rules (www.ca10.uscourts.gov/clerk/rules), copies of all necessary forms (www.ca10.uscourts.gov/clerk/forms), general information regarding proceeding pro se in this court (www.ca10.uscourts.gov/clerk/filing-your-appeal/pro-se) and many other resources.
- Contact the Clerk's office by phone at (303) 844-3157. The Clerk's office is open from 8:00 am to 5:00 pm Mountain Time, Monday through Friday except for legal holidays.
- All written correspondence should be mailed to: United States Court of Appeals for the 10th Circuit, The Byron White U.S. Courthouse, 1823 Stout Street, Denver, CO, 80257.

How an appeal proceeds in the 10th Circuit Court of Appeals

