

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Office of the Clerk

December 2012 (Last Revised: December 2013)

Preparing an Appeal – Pro Se Appellants

Mailing Address:

Office of the Clerk
U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth St., NW
Atlanta, GA 30303

Before preparing your appeal, please read all of the following information carefully.

Points to keep in mind:

- Once your appeal has been assigned a Court of Appeals case number, (*example: 12-00000-AA*) include this number and the alpha character(s) on all correspondence and filings you send to this Court and to opposing counsel/party.
- Keep a copy of all documents you send to this Court for your personal files.
- Your documents can be typed or written, but must be legible. If the Clerk cannot read the documents you've sent, they will not be processed.
- Notify the Clerk's Office in writing if you move or your mailing address changes. If you do not, you could miss important notices and papers providing deadlines or decisions in your case. Missing a filing deadline may cause your case to be dismissed.

Electronic Case Filing

As a pro se litigant, all documents intended for filing must be provided to the Court in paper.

You are not eligible to participate in the filing of documents electronically using the Eleventh Circuit's ECF (Electronic Case Files) system.

A Case in the Eleventh Circuit – A Quick Overview

- **Case number.** When your notice of appeal is received from the U.S. District Court, or your original proceeding is received in the Clerk’s Office and is deemed compliant with the rules of the Court, a case number is assigned that consists of numbers and letters (alpha characters). When your case is docketed, you will receive:
 - Certificate of Service form
 - Certificate of Interested Persons form
 - In Forma Pauperis application form, if necessary
 - If there were no hearings in the lower court from which a transcript could be made, you will receive:
 - **Notice of the deadline** for filing your opening brief on appeal
 - **Briefing checklist.** A checklist of the requirements of the contents of a brief in the Eleventh Circuit
 - **Instructions for Preparing an Appendix**, unless you are incarcerated in which case you do not need to file an appendix.

Other Initiating Matters: (if applicable)

- Transcript Information Form can be obtained from the district court or from this Court’s web site at www.ca11.uscourts.gov
 - Certificate of Appealability (COA) – see Section 4 of “General Information”
- **Change of address.** It is your responsibility to immediately advise the Clerk’s Office of any change in your address.
 - **Filing fee.** You must pay your \$505.00 filing fee in the District Court, or ask that the fee be waived (proceeding *in forma pauperis*). Instructions for filing a motion to proceed in forma pauperis are included in the “General Information” section of this document. If your motion to proceed in forma pauperis is denied, and you do not pay the fee, your case will be dismissed for want of prosecution.
 - **Opening brief.** You must file your opening brief by the date stated on the notice from the Clerk. You can place the brief in the U.S. mail on the due date and it will still be considered timely filed. A brief received before the due date that is not in compliance, will be returned with the suggestion to correct the brief and file at the designated time.

- **Reply brief.** While not required, if you wish to file a reply to the opposing party’s brief, you must do so within 14 days of the service date of that brief.
- **Habeas cases.** If you are appealing from an action filed pursuant to 28 U.S.C. § 2254 or § 2255, or are a state prisoner appealing the denial of a 28 U.S.C. § 2241 habeas petition, you must first obtain a certificate of appealability (COA) regarding any issues you wish to raise in your brief. If the District Court has denied a COA, you may request a certificate from this Court, although you are not required to do so. 11th Cir. R. 22-1. See the “General Information” section for more information.
- **Completion of briefing.** Once all the briefs are filed, the case will be submitted to a panel of three judges. Unless the case is classified for oral argument, your case will be decided on the information included in the briefs and the record. Fed.R.App.P. 34(a). If the judges decide oral argument would be beneficial to the Court, you will receive notice from the Clerk’s Office regarding the placement of the case on a hearing calendar.
- **Final decision.** When the judges have decided your case, you will receive a notice from the Clerk’s Office along with a copy of the Court’s ruling.

General Information for Pro Se Appellants

1. THE COURT OF APPEALS

The Court of Appeals reviews final decisions of the U.S. District Court, the U.S. Tax Court, U.S. Bankruptcy Court, and certain federal agencies. The Court looks at the record of the lower court, or the agency, as well as the briefs of the parties.

2. THE FEDERAL RULES

Carefully follow the Federal Rules of Appellate Procedure (FRAP) and the 11th Circuit Rules. The Federal and 11th Circuit Rules are available on the Court's website, www.ca11.uscourts.gov under the *Rules* link.

3. PAYMENT OF FEES

The docketing and filing fees for an appeal are paid at the lower court where the notice of appeal was filed.

- **If you cannot afford to pay the fees**, you may file a motion to proceed without payment of fees, called a motion to proceed *in forma pauperis*. A financial affidavit, including a statement by you swearing under penalty of perjury that you do not have enough money or other assets to pay the fees, must be included with your motion. (See *Forms* at the end of this document)
 - **If you do not pay the filing fees or file a motion to proceed *in forma pauperis*, your case will be dismissed.** 11th Cir. R. 42-1(b).
 - The motion to proceed *in forma pauperis* may be denied if the Court determines that –
 - the allegation of poverty is untrue; or
 - the action or appeal –
 - is frivolous or malicious,
 - fails to state a claim on which relief may be granted, or
 - seeks monetary relief against a defendant who is immune from such relief
- If the motion is denied, you must pay the fees or your case will be dismissed. FRAP 24.
- If your motion to proceed *in forma pauperis* is granted, you do not need to pay the filing fees, unless you are a prisoner in a civil (non-habeas corpus)

appeal, in which case you will be required to pay the entire \$505.00 filing fee when funds exist in your prison account. 28 U.S.C. § 1915(b).

- **If you are incarcerated**, the Court will notify you of your obligations under this statute [28 U.S.C. § 1915(b)] and will require you to complete and return an authorization form to allow prison officials to deduct the funds from your account on a monthly basis.
- **All** litigants proceeding *in forma pauperis* still have to pay for other expenses of their appeal, including copying and mailing. FRAP 39.
- **If you were permitted to proceed *in forma pauperis* in the District Court**, you need not file a motion in this Court. FRAP 24(a). You will still be obliged to pay the fees under 28 U.S.C. § 1915(b) in civil appeals if you are incarcerated.
- If at any time the District Court has found you are not entitled to *in forma pauperis* status, or that your appeal is not taken in good faith, you must file a motion to proceed *in forma pauperis* with this Court.

4. CERTIFICATE OF APPEALABILITY

In all appeals from proceedings filed pursuant to 28 U.S.C. §§ 2254 or 2255, the appellant must obtain a certificate of appealability (COA) in order to seek review in the Court of Appeals. FRAP 22(b). A COA is also required for state prisoners appealing the denial of a 28 U.S.C. § 2241 petition.

- If the District Court denies a COA as to all issues, a COA from the Court of Appeals is required. 11th Cir. R. 22-1.
- A timely notice of appeal may be considered as a request for COA in the Court of Appeals. You may also file an application for a COA with this Court. See 11th Cir. R. 22-1(a).

5. TRANSCRIPT INFORMATION FORM

In order to make a hearing in the District Court a part of the record on appeal, the hearing must be transcribed.

- Fill out the Transcript Information Form and include the date of the hearing and the name of the court reporter who reported the hearing.

- A copy of the Form must be sent to the court reporter, filed with the District Court Clerk and the Court of Appeals Clerk, and served on opposing counsel.
- Forms for ordering transcripts are available from the District Court clerk and are available on this Court's website: www.ca11.uscourts.gov

6. TRANSCRIPTS AT GOVERNMENT EXPENSE

Having *in forma pauperis* status in civil appeals does not automatically entitle you to transcripts at government expense.

- You must first file a motion for transcripts in the District Court.
- If that motion is denied, you can file the same motion in the 11th Circuit.
- You may request transcripts at government expense only for hearings held in the District Court from which your case originated.

7. APPOINTMENT OF COUNSEL

In direct criminal (non-habeas) appeals, if you have *in forma pauperis* status or can show that you are indigent, you may ask the Court to appoint counsel to represent you. The motion must include a Certificate of Service stating that you served opposing counsel with a copy of the motion.

8. FILING A BRIEF *and* AN APPENDIX IN THE 11th CIRCUIT

Your brief is the written argument of your case. As the appellant, you will file the first brief, or opening brief. The other side, the appellee, is given a chance to file a brief answering your arguments – the response brief. You will then have an opportunity to respond to the appellee's arguments in a reply brief.

The appendix contains copies of portions of the district court, tax court, or agency record that support your appeal, and it must be bound separately from the brief.

The Clerk's Office issues a notice telling you when your opening brief and appendix are due. Do not file an opening brief or appendix until you receive a due date from the Clerk's Office. Your appeal will be dismissed if you do not file your brief when it is due. You may place the brief in the U.S. mail on the due date and the brief will be considered timely filed. FRAP 25(a)(2)(B).

BRIEF

FRAP 28 and 32, along with 11th Cir. Rules 28-1, 28-3, and 28-5, contain the requirements for the content and form of a brief.

In general, **briefs** should include:

- A durable cover, front and back, with the 11th Circuit's case number on the front cover
 - *The color of the covers of briefs are:*
 - *Brief of appellant -- blue*
 - *Brief of appellee -- red*
 - *Reply brief of appellant -- gray*
 - *Amicus brief -- green*
 - *Appellate intervenor -- green*
 - *Supplemental brief -- white*
 - *The color of the covers of briefs in a cross-appeal are:*
 - *Brief of appellant -- blue*
 - *Brief of appellee-cross-appellant -- red*
 - *Brief of cross-appellee and reply brief of appellant -- yellow*
 - *Reply brief of cross-appellant -- gray*
 - *Amicus brief -- green*
 - *Appellate intervenor -- green*
 - *Supplemental brief -- white*
- A Certificate of Interested Persons
- A Statement Regarding Oral Argument
- A Statement of the Facts of your case
- What the originating court decided
- The issues in your appeal
- The arguments you wish to present
- A statement of what relief you want from this court – what you want this court to do – and why
- Your signature. Briefs should be signed by each pro se appellant – you cannot sign on behalf of or for another appellant
- A Certificate of Service providing the name and address of the person(s) to whom you served the brief

Your brief must meet the requirements of the federal rules. If it does not, the Clerk's Office will issue a notice of deficiency indicating which item(s) are missing and providing a specific amount of time in which to remedy the deficiency. Failure to timely file the corrections may result in the dismissal of your appeal. 11th Cir. R. 42-3.

File the **original and 6 copies** of your briefs with the Court. However, if you are proceeding *in forma pauperis*, you may file the **original and 3 copies**. 11th Cir. R. 31-3. You must also serve the brief on opposing counsel.

11th Cir. R. 31-1 provides the time for filing and serving a brief:

- Appellant's opening brief is due 40 days after the record is deemed filed as provided in 11th Cir. R. 12-1.
- Appellee's answering brief is due 30 days after service of the brief of the last appellant.
- Appellant's reply brief may be served and filed within 14 days after service of the last appellee's brief.

APPENDIX

11th Cir. Rules 30-1 and 30-2 contain the requirements for the contents of the appendix. Also see the *Instructions for Preparing an Appendix* at the end of this document.

Your appendix must meet the requirements of the federal rules. If it does not, the Clerk's Office will issue a notice of deficiency indicating which item(s) are missing and providing a specific amount of time in which to remedy the deficiency. Failure to timely file the corrections may result in the dismissal of your appeal. 11th Cir. R. 42-3.

The appendix is filed within 7 days of the filing of your opening brief.

If you are **incarcerated**, you are not required to file an appendix. If you are **proceeding in forma pauperis**, you may file only 1 copy of the appendix. **All other pro se parties** must file 2 copies of the appendix within 7 days of filing the party's brief, and if the appeal is classed for oral argument, an additional 3 identical copies of the appendix within 7 days after the date on the notice from the Clerk that the appeal has been classed for oral argument. You must also serve the appendix on opposing counsel.

In appeals from the **district court and the tax court**, the appendix should include the items required by FRAP 30(a)(1), which are:

- the relevant docket entries in the proceeding below;
- the relevant portions of the pleadings, charge, findings, or opinion;
- the judgment, order, or decision in question; and
- other parts of the record to which the parties wish to direct the court's attention.

Other than FRAP 30(a)(1), the requirements in FRAP 30 do not apply in this circuit.

Consistent with the requirements of FRAP 30(a)(1), the appendix must include:

- A durable *white* cover, front and back, with the 11th Circuit’s case number on the front cover
- The lower court’s docket sheet (District Court, Tax Court, or Bankruptcy Court)
- Indictment, information, or petition as amended
- Complaint, answer, response, counterclaim, cross-claim, and any amendments to those items
- Parts of any pretrial order relevant to the issues on appeal
- Judgment or order that is being appealed
- Any other orders of the lower court to be reviewed
- In an appeal pursuant to 28 U.S.C. § 2254, a copy of any state court rulings sought to be reviewed
- Findings of facts and conclusions of law
- Instructions to the jury if that is an issue on appeal
- Magistrate judge’s report and recommendation when appealing the order of the district judge adopting the same
- Findings and conclusions of an administrative law judge if appealing an administrative agency determination
- Relevant parts of any document, such as an insurance policy, contract, agreement, or ERISA plan
- When an issue is raised concerning the guilty plea, the transcript of the guilty plea colloquy and any written plea agreement
- When an issue is raised concerning the sentence, the transcript of the sentencing proceeding, and the presentence investigation report and addenda (under seal in a separate envelope)
- Any other pleadings, affidavits, transcripts, filings, documents, or exhibits that you believe will be helpful to this Court in deciding the appeal

In **agency cases**, the appendix must include the items required by FRAP 30(a)(1), which are:

- the relevant docket entries in the proceeding below;
- the relevant portions of the pleadings, charge, findings, or opinion;
- the judgment, order, or decision in question; and
- other parts of the record to which the parties wish to direct the court’s attention.

Other than FRAP 30(a)(1), the requirements in FRAP 30 do not apply in this circuit.

9. EXTENSIONS OF TIME TO FILE A BRIEF/APPENDIX

If you need an extension of time in which to file your brief or appendix, you may request an extension in one of two ways:

- The Clerk’s Office has the authority to grant one extension of 7 days in length via telephone. Contact the case handler assigned to your case and request a 7-day extension. If granted, you will need to send a letter confirming the extension. This letter may be filed along with the brief or appendix.
- If you need more than 7 days, you must file a motion with the Clerk’s Office. The motion must contain a statement of when the brief or appendix was originally due to be filed, why the brief or appendix cannot be filed on time, and whether opposing counsel consents or objects to the motion.
- The motion should contain a statement advising whether or not you have consent of opposing counsel, if possible.
- The motion for extension should be filed at least 7 days before the due date of the brief or appendix. 11th Cir. R. 31-2(c).

10. FILING MOTIONS

Any motion filed while your appeal is pending must specify the reason for the motion, the relief being sought from the court, and the legal grounds for the relief. An original and 3 copies must be filed if the motion requires single judge action. The motion must be made in writing with proof of service on all parties.

All motions filed with the court should contain a Certificate of Interested Persons as described in FRAP 26.1 (See forms at the end of this document.)

A motion will be treated as an emergency only when: 1) the motion will be moot unless a ruling is obtained within 7 days; AND 2) if the order sought to be reviewed is a district court order or action, the motion is being filed within 7 days of the filing of the district court order or action sought to be reviewed. If the motion does not meet these two criteria, it will be treated as “time sensitive.” 11th Cir. R. 27-1(b).

Any motion for reconsideration or clarification of an order of the Court must be filed within 21 days from the file date of the order. No additional time is allowed for mailing.

11. PETITION FOR REHEARING

If you think the Court’s final decision on the merits of your case is incorrect, you may file a petition for rehearing **within 21 days of the entry of the judgment (or 45 days if your case is a civil case and there is a federal participant)**. No additional time is allowed for mailing. Unless you are incarcerated, the petition must be physically received in the Clerk’s Office on the due date. 11th Cir. R. 40-3.

- You must have a legal basis to support your belief that the Court’s final decision was incorrect; it is not enough to simply disagree with the outcome.
- Number of copies:
 - Panel Rehearing – original and 3 copies; white covers
 - Rehearing En Banc – original and 14 copies; white covers

If you do not file a petition for rehearing in this Court, you may file a petition for a writ of certiorari directly in the United States Supreme Court. Consult the Supreme Court’s Rules before filing a petition for writ of certiorari.

FORMS

1. Motion for Permission to Appeal In Forma Pauperis and Affidavit
2. Pro Se Certificate of Interested Persons Form
3. 11th Circuit Transcript Information Form
4. Pro Se Certificate of Service Form
5. Briefing Checklist
6. Instructions for Preparing an Appendix
7. Brief Form

**Motion for Permission to
Appeal In Forma Pauperis and Affidavit**
United States Court of Appeals for the Eleventh Circuit

v.

Court of Appeals No. _____
District Court No. _____

Instructions: Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Date: _____ Signed: _____

1. *My issues on appeal are:* _____

2. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ _____	\$ _____	\$ _____	\$ _____
Self-employment	\$ _____	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____	\$ _____	\$ _____
Interests and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ _____	\$ _____	\$ _____	\$ _____
Alimony	\$ _____	\$ _____	\$ _____	\$ _____
Child support	\$ _____	\$ _____	\$ _____	\$ _____
Retirement (such as Social Security, pensions, annuities, insurance)	\$ _____	\$ _____	\$ _____	\$ _____
Disability (such as Social Security, insurance payments)	\$ _____	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ _____	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ _____	\$ _____	\$ _____	\$ _____

3. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

_____	_____	_____	_____
_____	_____	_____	_____

5. How much cash do you and your spouse have? \$ _____

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

6. *List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.*

Home (Value)	Other Real Estate (Value)	Motor Vehicle #1 (Value)
_____	_____	Make & Year: _____
_____	_____	Model: _____
_____	_____	Registration #: _____
Other Assets (Value)	Other Assets (Value)	Motor Vehicle #2 (Value)
_____	_____	Make & Year _____
_____	_____	Model: _____
_____	_____	Registration #: _____

7. *State every person, business, or organization owing you or your spouse money, and the amount owed.*

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. State the persons who rely on you or your spouse for support.

Name [or, if under 18, initials only]	Relationship	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
For home-mortgage payment (include lot rented for mobile home)	\$ _____	\$ _____
Are real-estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ _____	\$ _____
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ _____	\$ _____
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ _____	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ _____	\$ _____
Transportation (not including motor vehicle payments)	\$ _____	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)	\$ _____	\$ _____
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments) (specify): _____	\$ _____	\$ _____
Installment payments	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Credit card (name): _____	\$ _____	\$ _____
Department store (name): _____	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____

Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses	\$ _____	\$ _____

10. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

11. Have you spent – or will you be spending – any money for expenses or attorney fees in connection with this lawsuit?

Yes No If yes, how much: \$ _____

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

13. State the city and state of your legal residence.

Your daytime phone number: (_____) _____

Your age: _____ Your years of schooling: _____

Last four digits of your Social Security number: _____

11th Cir. R. 26.1-1 Certificate of Interested Persons and Corporate Disclosure Statement: Contents. A certificate shall be furnished by appellants, appellees, intervenors and amicus curiae, including governmental parties, which contains a complete list of the trial judge(s), all attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of the particular case or appeal, including subsidiaries, conglomerates, affiliates and parent corporations, including any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party. In criminal and criminal-related appeals, the certificate shall also disclose the identity of the victim(s). In bankruptcy appeals, the certificate shall also identify the debtor, the members of the creditor's committee, any entity which is an active participant in the proceedings, and other entities whose stock or equity value may be substantially affected by the outcome of the proceedings.

The certificate contained in the first brief filed must include a complete list of all persons and entities known to that party to have an interest in the outcome of the particular case or appeal. The certificate contained in the second and all subsequent briefs filed must include only persons and entities omitted from the certificate contained in the first brief filed and in any other brief that has been filed. Counsel who believe that the certificate contained in the first brief filed and in any other brief that has been filed is complete may simply certify to that effect.

The certificate contained in each motion or petition filed must include a complete list of all persons and entities known to that party to have an interest in the outcome of the particular case or appeal. The certificate contained in a response or answer to a motion or petition, or a reply to a response, must include only persons and entities that were omitted from the certificate contained in the motion or petition. Counsel who believe that the certificate contained in the motion or petition is complete may simply certify to that effect.

In a petition for en banc consideration, the petitioner's certificate shall also compile and include a complete list of all persons and entities listed on all certificates filed in the appeal prior to the date of filing of the petition for en banc consideration. If the court grants en banc rehearing, the requirements set forth in the second paragraph of this rule also apply to en banc briefs.

11th Cir. R. 26.1-2 Certificate of Interested Persons and Corporate Disclosure Statement: Time for Filing.

(a) The certificate described in 11th Cir. R. 26.1-1 must be filed by the appellant (and cross-appellant) with this court within 14 days after the date the appeal is docketed in this court, or along with the filing in this court by any party of any motion, petition, or pleading, whichever occurs first.

(b) On the same day a certificate is served, the party filing it must also complete the court's web-based certificate at www.ca11.uscourts.gov, providing the information required by that form. Pro se parties are not required or authorized to complete the web-based certificate.

(c) Within 10 days after the filing of the initial certificate, the opposing party must file a notice either indicating that the certificate initially filed is correct and complete, or adding any interested persons or entities omitted from the initial certificate.

(d) In the alternative, the parties may file a joint certificate within 10 days after the date the appeal is docketed in this court, or along with the filing in this court of any motion, petition, or pleading, whichever occurs first.

(e) The certificate described in 11th Cir. R. 26.1-1 must be included within the principal brief filed by any party and also must be included in any petition, answer, motion or response filed by any party. The clerk is not authorized to submit to the court any brief (except for the reply brief of an appellant or cross-appellant), petition, answer, motion or response that does not contain the certificate, but may receive and retain the papers pending supplementation of the papers with the required certificate.

(f) After a party has filed its initial certificate, that party is required to notify the court immediately of any additions, deletions, corrections or other changes that should be made to its certificate. A party must do so by filing an amended certificate with the court or by including an amended certificate with a party's brief, petition, answer, motion or response. A party must:

(1) prominently indicate on the amended certificate the fact that it has been amended, and

(2) must clearly identify the person or entity that has been added, deleted, corrected or otherwise changed.

(g) On the same day an amended certificate is served, that party must also update the web-based certificate to reflect the amendments.

(h) If a party files an amendment that deletes a person or entity from a certificate, the opposing party must, within 10 days after the filing of the amended certificate, file a notice indicating whether or not it agrees that the deletion is proper.

11th Cir. R. 26.1-3 Certificate of Interested Persons and Corporate Disclosure Statement: Format.

(a) The certificate described in 11th Cir. R. 26.1-1 must immediately follow the cover page within a brief, and must precede the text in a petition, answer, motion or response.

(b) The certificate must list persons (last name first) and entities in alphabetical order, have only one column, and be double-spaced.

(c) A corporate entity must be identified by its full corporate name as registered with a secretary of state's office and, if its stock is publicly listed, its stock ("ticker") symbol must be provided after the corporate name.

(d) At the top of each page the court of appeals docket number and short style must be noted (name of first-listed plaintiff or petitioner v. name of first-listed defendant or respondent). Each page of the certificate must be separately sequentially numbered to indicate the total number of pages comprising the certificate (e.g., C-1 of 3, C-2 of 3, C-3 of 3). These pages do not count against any page limitations imposed on the papers filed.

Rev.: 1/10

ELEVENTH CIRCUIT TRANSCRIPT INFORMATION FORM

PART I. TRANSCRIPT ORDER INFORMATION

Appellant to complete and file with the District Court Clerk and the Court of Appeals Clerk within 14 days of the filing of the notice of appeal in all cases, including those in which there was no hearing or for which no transcript is ordered.

Short Case Style: _____ vs _____

District Court No.: _____ Date Notice of Appeal Filed: _____ Court of Appeals No.: _____
(If Available)

CHOOSE ONE: No hearing No transcript is required for appeal purposes All necessary transcript(s) on file
 I AM ORDERING A TRANSCRIPT OF THE FOLLOWING PROCEEDINGS:

Check appropriate box(es) and provide all information requested:

_____ HEARING DATE(S) _____ JUDGE/MAGISTRATE _____ COURT REPORTER NAME(S) _____

Pre-Trial Proceedings _____

Trial _____

Sentence _____

Plea _____

Other _____

METHOD OF PAYMENT:

I CERTIFY THAT I HAVE CONTACTED THE COURT REPORTER(S) AND HAVE MADE SATISFACTORY ARRANGEMENTS WITH THE COURT REPORTER(S) FOR PAYING THE COST OF THE TRANSCRIPT.

CRIMINAL JUSTICE ACT. Attached for submission to District Judge/Magistrate is my completed CJA Form 24 requesting authorization for government payment of transcript. [A transcript of the following proceedings will be provided ONLY IF SPECIFICALLY AUTHORIZED in Item 13 on CJA Form 24: Voir Dire; Opening and Closing Statements of Prosecution and Defense; Prosecution Rebuttal; Jury Instructions.]

Ordering Counsel/Party: _____

Name of Firm: _____

Street Address/P.O. Box: _____

City/State/Zip Code: _____ Phone No.: _____

I certify that I have completed and filed PART I with the District Court Clerk and the Court of Appeals Clerk, sent a copy to the appropriate Court Reporter(s) if ordering a transcript, and served all parties.

DATE: _____ SIGNED: _____ Attorney for: _____

PART II. COURT REPORTER ACKNOWLEDGMENT

Court Reporter to complete and file with the District Court Clerk within 14 days of receipt. The Court Reporter shall send a copy to the Court of Appeals Clerk and to all parties.

Date Transcript Order received: _____

Satisfactory arrangements for paying the cost of the transcript were completed on: _____

Satisfactory arrangements for paying the cost of the transcript have not been made.

No. of hearing days: _____ Estimated no. of transcript pages: _____ Estimated filing date: _____

DATE: _____ SIGNED: _____ Phone No.: _____

NOTE: The transcript is due to be filed within 30 days of the date satisfactory arrangements for paying the cost of the transcript were completed unless the Court Reporter obtains an extension of time to file the transcript.

PART III. NOTIFICATION THAT TRANSCRIPT HAS BEEN FILED IN DISTRICT COURT

Court Reporter to complete and file with the District Court Clerk on date of filing transcript in District Court. The Court Reporter shall send a copy to the Court of Appeals Clerk on the same date.

This is to certify that the transcript has been completed and filed with the district court on (date): _____

Actual No. of Volumes and Hearing Dates: _____

Date: _____ Signature of Court Reporter: _____

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

CERTIFICATE OF SERVICE

_____ vs. _____ Appeal No. _____

FRAP 25(b) through (d) (see reverse) requires that at or before the time of filing a paper, a party must serve a copy on the other parties to the appeal or review. In addition, the person who made service must certify that the other parties have been served, indicating the date and manner of service, the names of the persons served, and their addresses.

You may use this form to fulfill this requirement. *Please type or print legibly.*

I hereby certify that on (date) _____,

a true and correct copy of the foregoing (title of filing) _____,

with first class postage prepaid, has been (check one)

deposited in the U.S. Mail

deposited in the prison's
internal mailing system

and properly addressed to the persons whose names and addresses are listed below:

Your Name (please print)

Your Signature

Please complete and attach this form to the original document and to any copies you are filing with the court, and to all copies you are serving on other parties to the appeal.

FRAP 25 Filing and Service

* * * *

(b) Service of All Papers Required. Unless a rule requires service by the clerk, a party must, at or before the time of filing a paper, serve a copy on the other parties to the appeal or review. Service on a party represented by counsel must be made on the party's counsel.

(c) Manner of Service.

(1) Service may be any of the following:

- (A) personal, including delivery to a responsible person at the office of counsel;
- (B) by mail;
- (C) by third-party commercial carrier for delivery within 3 calendar days; or
- (D) by electronic means, if the party being served consents in writing.

(2) If authorized by local rule, a party may use the court's transmission equipment to make electronic service under Rule 25(c)(1)(D).

(3) When reasonable considering such factors as the immediacy of the relief sought, distance, and cost, service on a party must be by a manner at least as expeditious as the manner used to file the paper with the court.

(4) Service by mail or by commercial carrier is complete on mailing or delivery to the carrier. Service by electronic means is complete on transmission, unless the party making service is notified that the paper was not received by the party served.

(d) Proof of Service.

(1) A paper presented for filing must contain either of the following:

- (A) an acknowledgment of service by the person served; or
- (B) proof of service consisting of a statement by the person who made service certifying:
 - (i) the date and manner of service;
 - (ii) the names of the persons served; and
 - (iii) their mail or electronic addresses, facsimile numbers, or the addresses of the places of delivery, as appropriate for the manner of service.

(2) When a brief or appendix is filed by mailing or dispatch in accordance with Rule 25(a)(2)(B), the proof of service must also state the date and manner by which the document was mailed or dispatched to the clerk.

(3) Proof of service may appear on or be affixed to the papers filed.

* * * *

BRIEFS CHECKLIST

Appeal Number: _____

Pro Se IFP: 4 copies Other: Original + 6 copies (7 total)

FORMAT	Appellant	Appellee	Aple/X-Aplt Opening	Aplt/X-Aple Response	Reply	Amicus
Cover Colors	Blue	Red	Red	Yellow	Gray	Green
Securely Bound and No Exposed Metal						
Durable Covers						
Length	30/14,000/1,300	30/14,000/1,300	35/16,500/1,500	30/14,000/1,300	15/7,000/650	15/7,000/650
Pages Numbered						
Typeface (14 pt. proportional or 10.5/inch)						
Type Style (plain, roman)						
Double Spacing (except quotes, headings, footnotes)						
Margins (1 inch all 4 sides)						
CONTENTS Cover Page: Court Name/Case # Title of the Case Appealed From Title of Brief/Who Filed Attorney Information						An amicus brief must comply with the requirements of FRAP 29(c)
Certificate of Interested Persons				NO	NO	
Statement Regarding Oral Argument	Wants O/A?	Wants O/A?	Wants O/A?	NO	NO	NO
Table of Contents (w/page references)						
Table of Citations (w/page references)						
Statement re Adoption (option)						
Statement of Jurisdiction		Optional		NO	NO	NO
*Statement of the Issues		Optional		NO	NO	
Statement of the Case		Optional	**	NO	NO	NO
Summary of the Argument				NO	NO	
Argument/Citations of Auth.						
Conclusion				NO	NO	
Certificate of Compliance (if necessary)						
Certificate of Service						
E-file Brief						

*Page and type-volume limitations begin here and continue through Conclusion.

**Required, but need not include the course of proceedings and dispositions below, or a statement of facts, if satisfied with the appellant's statement.

INSTRUCTIONS FOR PREPARING AN APPENDIX

See 11th Cir. Rules 30-1 and 30-2

Required Contents of Appendix. Within seven days of filing appellant's or petitioner's principal brief, the appellant or petitioner must file an **Appendix** containing those items required by FRAP 30(a)(1), which are:

- the relevant docket entries in the proceeding below;
- the relevant portions of the pleadings, charge, findings, or opinion;
- the judgment, order, or decision in question; and
- other parts of the record to which the parties wish to direct the court's attention.

Other than FRAP 30(a)(1), the requirements in FRAP 30 do not apply in this circuit.

Consistent with the requirements of FRAP 30(a)(1), this Court has determined that the following items are either relevant docket entries or relevant portions of the record in appeals from district courts and the tax court and thus must be included in the appendix:

(1) the district court or tax court docket sheet, including, in bankruptcy appeals, the bankruptcy court docket sheet;

(2) in an appeal in a criminal case, the indictment, information, or petition as amended;

(3) in an appeal in a civil case, the complaint, answer, response, counterclaim, cross-claim, and any amendments to such items;

(4) those parts of any pretrial order relevant to the issues on appeal;

(5) the judgment or interlocutory order appealed from;

(6) any other order or orders sought to be reviewed, including, in bankruptcy appeals, the order(s) of the bankruptcy court appealed to the district court;

(7) in an appeal from the grant or denial of a petition for a writ of habeas corpus under 28 U.S.C. § 2254, all opinions by any state court previously rendered in the criminal prosecution and related collateral proceedings and appeals, and any state court orders addressing any claims and defenses brought by the petitioner in the federal action. This requirement applies whether or not the state court opinions and orders are contained in the district court record;

(8) any supporting opinion, findings of fact and conclusions of law filed or delivered orally by the court;

(9) if the correctness of a jury instruction is in issue, the instruction in question and any other relevant part of the jury charge;

(10) a magistrate's report and recommendation, when appealing a court order adopting same in whole or in part;

(11) findings and conclusions of an administrative law judge, when appealing a court order reviewing an administrative agency determination involving same;

(12) the relevant parts of any document, such as an insurance policy, contract, agreement, or ERISA plan, whose interpretation is relevant to the issues on appeal;

(13) in an appeal in a criminal case in which any issue is raised concerning the guilty plea, the transcript of the guilty plea colloquy and any written plea agreement;

(14) in an appeal in a criminal case in which any issue is raised concerning the sentence, the transcript of the sentencing proceeding, and the presentence investigation report and addenda (under seal in a separate envelope; see detailed instructions below); and

(15) any other pleadings, affidavits, transcripts, filings, documents, or exhibits that any one of the parties believes will be helpful to this Court in deciding the appeal.

Except as otherwise permitted by section (7) above, under no circumstances should a document be included in the appendix that was not submitted to the trial court.

Appellee's Supplemental Appendix. Within seven days of filing appellee's principal brief, appellee must file a **Supplemental Appendix** if the appellee's brief references parts of the record not contained in appellant's Appendix, or if the appellee believes that appellant's Appendix is deficient.

- The appellee's Supplemental Appendix should not duplicate any documents in the appellant's Appendix.

Appellee Must Submit an Appendix in an Appeal by an Incarcerated Pro Se Party. In an appeal by an incarcerated pro se party, counsel for appellee must submit an Appendix that includes the specific pages of any record materials (if materials are sealed, please follow instructions for Presentence Investigation Reports) referred to in the argument section of appellee’s brief and those referred to in the argument section of the appellant’s brief that are relevant to the resolution of an issue on appeal.

Appellant’s Reply Brief. Within seven days of filing appellant’s reply brief, appellant must file a **Supplemental Appendix** if the reply brief references parts of the record not contained in the appendix previously filed by any party.

Appendices in Appeals with Multiple Appellants or Appellees. In an appeal with multiple appellants or appellees, including consolidated appeals, any number of appellants or appellees may file a **Joint Appendix** or a **Joint Supplemental Appendix** and are strongly urged to do so. A party need not duplicate any material contained in the appendix filed by another party.

Appendices in Cross-Appeals. Appellant must file an Appendix as described above. Appellee/Cross-Appellant must file a Supplemental Appendix that includes record materials referred to in the argument section of its brief or relevant to the issues raised on cross-appeal, but need not duplicate any material contained in the appellant’s Appendix. Within seven days of filing its second brief, Appellant/Cross-Appellee must file a Supplemental Appendix if the brief references parts of the record not contained in the appendix previously filed by any party.

Presentence Investigation Reports. In an appeal in a criminal case in which any issue is raised concerning the sentence, the appellant (or appellee in the case of an appeal by an incarcerated pro se party), or the party filing the brief, must forward one copy of the PSI under seal to the Clerk of this Court. The party must place one copy of the PSI into a separate sealed envelope marked “**SEALED**” and labeled with the appeal number, short style, and a notation that a copy of a PSI is enclosed. The sealed envelope must accompany the appendix.

Form of the Appendix and Supplemental Appendix. The Appendix must be labeled Appendix or Supplemental Appendix, as appropriate. The Appendix must conform to the requirements of 11th Cir. R. 30-1 and 30-2, including the following:

- 1) The first item in the Appendix must be an **Index** (see attached sample).
- 2) The second item in the Appendix must be the **district court or tax court docket sheet** including, in bankruptcy appeals, the **bankruptcy court docket sheet**, or in **agency cases**, the **relevant docket entries** in the proceeding below.

- 3) All other documents in the Appendix must be arranged chronologically by date of entry into the record.
- 4) The last document in the Appendix must be a **certificate of service** consistent with FRAP 25(d).
- 5) Standard commercially-available indexing tabs or their equivalent that extend beyond the edge of the page should be staggered in sequence from top to bottom along the right-hand side.
 - Tab numbers should correspond to the original document numbers assigned by the originating court or agency and noted on the originating court or agency docket sheet.
 - The originating court or agency docket sheet should also be tabbed and identified.
 - For electronic appendices filed by counsel, separator pages showing the appropriate tab numbers should be used in place of indexing tabs.
- 6) If the Appendix exceeds 250 sheets of paper, it must be filed in multiple volumes, with each volume containing no more than 250 sheets of paper; when multiple volumes are filed, the Index must indicate the volume in which a document is located.

Number of Copies to Be Filed and Served.

- A pro se party proceeding in forma pauperis may file only one paper copy of an Appendix or Supplemental Appendix, except that an incarcerated pro se party is not required to file an Appendix.
- Every other party must file two paper copies of the Appendix or Supplemental Appendix within seven days of filing the party's brief, and if the appeal is classed for oral argument, an additional three identical paper copies of the Appendix previously filed by the party within seven days after the date on the notice from the Clerk that the appeal has been classed for oral argument. One copy must be served on counsel for each party separately represented, and on each pro se party.
- Counsel using the ECF system must file appendices electronically, as well as in paper. See Section 11.1 of the Guide to Electronic Filing.

APPENDIX CHECKLIST

CIVIL CASES

Required Contents for Appellants. (For appellees, see 11th Cir. R. 30-1(b)). In an appeal in a civil case, the appellant must file an Appendix containing:

- 1. Index
- 2. District Court or Tax Court docket sheet (including, in bankruptcy appeals, the bankruptcy court docket sheet)

Items 3-13 to be arranged chronologically by date of entry into the record:

- 3. Complaint, answer, response, counterclaim, cross-claim, and any amendments to such items
- 4. Parts of any pretrial order relevant to issues on appeal
- 5. Judgment or interlocutory order appealed from
- 6. Other order(s) sought to be reviewed (including bankruptcy court orders)
- 7. In an appeal from the grant or denial of a petition for a writ of habeas corpus under 28 U.S.C. § 2254, all opinions by any state court previously rendered in the criminal prosecution and related collateral proceedings and appeals, and any state court orders addressing any claims and defenses brought by the petitioner in the federal action
- 8. Supporting opinion, findings of fact and conclusions of law filed or delivered orally by the court
- 9. Jury instruction (if correctness in issue)
- 10. Magistrate's report and recommendation, when appealing a court order adopting same in whole or in part
- 11. Findings and conclusions of administrative law judge, when appealing a court order reviewing administrative agency determination
- 12. Relevant parts of any document whose interpretation is central to the issues on appeal
- 13. Any other pleadings, affidavits, transcripts, filings, documents, or exhibits that appellant believes will be helpful to this Court in deciding the appeal
- 14. Certificate of Service

Form:

- Durable White Covers (front & back)
- Indexing Tabs (Tab numbers corresponding to district court or tax court document numbers)
- No more than 250 sheets of paper in each volume

Number Required:

- Prisoner Pro Se: None
- Pro Se IFP: 1 paper copy
- Other: 2 paper copies
- Counsel using the ECF system must also file electronically

APPENDIX CHECKLIST

CRIMINAL CASES

Required Contents for Appellants. (For appellees, see 11th Cir. R. 30-1(b)). In an appeal in a criminal case, the appellant must file an Appendix containing:

- 1. Index
- 2. District Court docket sheet

Items 3-13 to be arranged chronologically by date of entry into the record:

- 3. Indictment, information, or petition as amended
- 4. Parts of any pretrial order relevant to issues on appeal
- 5. Judgment or interlocutory order appealed from
- 6. Other order(s) sought to be reviewed
- 7. Supporting opinion, findings of fact and conclusions of law filed or delivered orally by the court
- 8. Jury instruction (if correctness in issue)
- 9. Magistrate's report and recommendation, when appealing a court order adopting same in whole or in part
- 10. Relevant parts of any document whose interpretation is central to the issues on appeal
- 11. If any issue concerns the guilty plea, the transcript of the guilty plea colloquy and any written plea agreement
- 12. If any issue concerns the sentence, the transcript of the sentencing proceeding, and the presentence investigation report and addenda, under seal in a separate envelope
- 13. Any other pleadings, affidavits, transcripts, filings, documents, or exhibits that appellant believes will be helpful to this Court in deciding the appeal
- 14. Certificate of Service

Form:

- Durable White Covers (front & back)
- Indexing Tabs (Tab numbers corresponding to district court document numbers)
- No more than 250 sheets of paper in each volume

Number Required:

- Prisoner Pro Se: None
- Pro Se IFP: 1 paper copy
- Other: 2 paper copies
- Counsel using the ECF system must also file electronically

APPENDIX CHECKLIST

AGENCY CASES

Required Contents for Petitioners. In proceedings for review of orders of an agency, board, commission, or officer, the petitioner must file an Appendix containing:

1. Relevant docket entries in the proceeding below;
2. Relevant portions of the pleadings, charge, findings, or opinion;
3. Judgment, order, or decision filed by the agency, board, commission, or officer
4. Other parts of the record to which the petitioner wishes to direct the Court's attention.

Form:

- Durable White Covers (front & back)
- Indexing Tabs (Tab numbers corresponding to agency document numbers)
- No more than 250 sheets of paper in each volume

Number Required:

- Prisoner Pro Se: None
- Pro Se IFP: 1 paper copy
- Other: 2 paper copies
- Counsel using the ECF system must also file electronically

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UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Case No.

_____,
Appellant

versus

_____,
Appellee(s).

Appeal from the District Court for the
(insert the originating court here; *example*- Middle District of Alabama)

Name

(Street Address, P. O. Box...)

City, State Zip Code

1. Certificate of Interested Persons. (See form provided in handbook)

2. Statement Regarding Oral Argument (a short statement of whether or not you wish to have oral argument and, if so, the reasons why the case should be argued before the court)

3. Table of Contents w/page references (list the sections in the brief and the corresponding page on which it appears)

4. Table of Citations (shows the locations in the brief of citations to case law)

5. Jurisdiction:
 - Date of entry of judgment or order of the originating court
 - Basis for the court of appeals' jurisdiction
 - Date notice of appeal filed
 - For prisoners, date you gave notice of appeal to prison authorities

6. Statement of the Issues (What issues of the lower court proceeding do you want this court to consider?)

7. Statement of the Case

- What are the facts of your case?
- What issue(s) are you raising on appeal; what do you think the originating court did wrong?)

8. Conclusion (statement of what relief you want the court of appeals to give you)

9. Certificate of Compliance (statement that the brief complies with the type size and volume limitations - *see checklist*; provide the number of words in the brief, or the number of lines in the brief)

10. Certificate of Service (listing of all the people to whom the brief was sent, with names and addresses, and the date when the brief was sent to them – form available on website and in handbook)

Signature