UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Office of the Clerk

December 2012 (Last Revised: December 2016)

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 & Procedures* 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. CERTIFICATE OF COMPLIANCE

You may be required to include with briefs and other papers a certificate of compliance ("CoC") showing that your document does not exceed the applicable length limits. The general rules are set out below, but see the "Sample Certificate of Compliance" at the end of this document for additional information.

Briefs
• CoC is **required** for briefs filed in reliance on a word or line limit
• CoC is **not required** for briefs filed in reliance on page limits

Motions, Responses, Replies, Petitions, and Answers
• CoC is **required** if paper is produced using a computer (word limits apply)
• CoC is **not required** if paper is handwritten or typewritten (page limits apply)

Application for a Certificate of Appealability
• CoC is required if a CoC would otherwise be required under FRAP 32(a)(7)(B). See 11th Cir. R. 22-2.

9. 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.

10. 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 14 days in length via telephone. Contact the case handler assigned to your case and request a 14-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 14 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).

11. 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 and the accompanying 11th Circuit Rules. (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.

12. 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
8. Motion Form
9. Sample Certificate of Compliance

Motion for Permission to

Appeal In Forma Pauperis and Affidavit

United States Court of Appeals for the Eleventh Circuit

Court of Appeals No. _____

v. 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:*** _____

_____

_____

_____

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_____

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_____

_____

_____

_____

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? ☐ Yes ☐ No	$ _____	$ _____
Is property insurance included? ☐ Yes ☐ 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: _____

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT (CIP)

_____ *vs.* _____ Appeal No. _____

11th Cir. R. 26.1-1(a) (enclosed) requires the appellant or petitioner to file a Certificate of Interested Persons and Corporate Disclosure Statement (CIP) with this court within 14 days after the date the case or appeal is docketed in this court, and to include a CIP within every motion, petition, brief, answer, response, and reply filed. Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court. **You may use this form to fulfill these requirements.** In alphabetical order, with one name per line, please list all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

(please type or print legibly):

_____

_____

_____

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_____

FRAP 26.1. Corporate Disclosure Statement

(a) Who Must File. Any nongovernmental corporate party to a proceeding in a court of appeals must file a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation.

(b) Time for Filing; Supplemental Filing. A party must file the Rule 26.1(a) statement with the principal brief or upon filing a motion, response, petition, or answer in the court of appeals, whichever occurs first, unless a local rule requires earlier filing. Even if the statement has already been filed, the party's principal brief must include the statement before the table of contents. A party must supplement its statement whenever the information that must be disclosed under Rule 26.1(a) changes.

(c) Number of Copies. If the Rule 26.1(a) statement is filed before the principal brief, or if a supplemental statement is filed, the party must file an original and 3 copies unless the court requires a different number by local rule or by order in a particular case.

(As added Apr. 25, 1989, eff. Dec. 1, 1989; amended April 30, 1991, eff. Dec. 1, 1991; Apr. 29, 1994, eff. Dec. 1, 1994; Apr. 24, 1998, eff. Dec. 1, 1998; Apr. 29, 2002, eff. Dec. 1, 2002.)

* * * *

11th Cir. R. 26.1-1 Certificate of Interested Persons and Corporate Disclosure Statement (CIP): Filing Requirements.

(a) Paper or E-Filed CIPs.

(1) Every party and amicus curiae ("filers") must include a certificate of interested persons and corporate disclosure statement ("CIP") within every motion, petition, brief, answer, response, and reply filed.

(2) In addition, appellants and petitioners must file a CIP within 14 days after the date the case or appeal is docketed in this court.

(3) Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court, regardless of whether appellants and petitioners have filed a CIP. If appellants and petitioners have already filed a CIP, appellees, intervenors, respondents, and all other parties may file a notice either indicating that the CIP is correct and complete, or adding any interested persons or entities omitted from the CIP.

(b) Web-based CIP. On the same day any filer represented by counsel first files its paper or e-filed CIP, that filer must also complete the court's web-based CIP at www.ca11.uscourts.gov. At the website, counsel for filers will log into the web-based CIP where they will enter stock ("ticker") symbol information for publicly traded corporations to be used by the court in electronically

checking for recusals. If there is no publicly traded corporation involved, and thus no stock ticker symbol to enter, the filer still must complete the web-based CIP by entering "nothing to declare."

Failure to complete the web-based CIP will delay processing of the motion, case, or appeal, and may result in other sanctions under 11th Cir. R. 26.1-5(c).

The e-filing of a CIP by an attorney registered to use the ECF system does not relieve that attorney of the requirement to complete and keep updated the web-based CIP. Pro se filers (except attorneys appearing in particular cases as pro se parties) are not required or authorized to complete the web-based CIP.

11th Cir. R. 26.1-2 CIP: Contents.

(a) General. A CIP must contain a complete list of all trial judges, 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, parent corporations, 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 CIP must also disclose the identity of any victims. In bankruptcy appeals, the CIP must 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.

(b) CIPs in Briefs. The CIP contained in the first brief filed must include a complete list of all persons and entities known to that filer to have an interest in the outcome of the particular case or appeal. The CIP contained in the second and all subsequent briefs filed may include only persons and entities omitted from the CIP contained in the first brief filed and in any other brief that has been filed. Filers who believe that the CIP contained in the first brief filed and in any other brief that has been filed is complete must certify to that effect.

(c) CIPs in Motions or Petitions. The CIP contained in each motion or petition filed must include a complete list of all persons and entities known to that filer to have an interest in the outcome of the particular case or appeal. The CIP contained in a response or answer to a motion or petition, or a reply to a response, may include only persons and entities that were omitted from the CIP contained in the motion or petition. Filers who believe that the CIP contained in the motion or petition is complete must certify to that effect.

(d) CIPs in Petitions for En Banc Consideration. In a petition for en banc consideration, the petitioner's CIP must also compile and include a complete list of all persons and entities listed on all CIPs previously filed in the case or appeal prior to the date of filing of the petition for en banc consideration. Eleventh Circuit Rule 26.1-2(b) applies to all en banc briefs.

11th Cir. R. 26.1-3 CIP: Form.

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

(b) 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. If no publicly traded company or corporation has an interest in the outcome of the case or appeal, a statement certifying to that effect must be included at the end of the CIP and must be entered into the web-based CIP.

(c) 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 CIP must be separately sequentially numbered to indicate the total number of pages comprising the CIP (e.g., C-1 of 3, C-2 of 3, C-3 of 3). These pages do not count against any length limitations imposed on the papers filed.

(d) When being included in a document, the CIP must immediately follow the cover page within a brief, and must precede the text in a petition, answer, motion, response, or reply.

11th Cir. R. 26.1-4 CIP: Amendments. Every filer is required to notify the court immediately of any additions, deletions, corrections, or other changes that should be made to its CIP. A filer must do so by filing an amended CIP with the court and by including an amended CIP with all subsequent filings. A filer:

- must prominently indicate on the amended CIP the fact that the CIP has been amended;
- must clearly identify the person or entity that has been added, deleted, corrected, or otherwise changed; and
- if represented by counsel, must update the web-based CIP to reflect the amendments on the same day the amended CIP is filed.

If an amended CIP that deletes a person or entity is filed, every other party must, within 10 days after the filing of the amended CIP, file a notice indicating whether or not it agrees that the deletion is proper.

11th Cir. R. 26.1-5 Failure to Submit a CIP or Complete the Web-based CIP.

(a) The court will not act upon any papers requiring a CIP, including emergency filings, until the CIP is filed and the web-based CIP is completed, except to prevent manifest injustice.

(b) The clerk is not authorized to submit to the court any brief, petition, answer, motion, response, or reply that does not contain the CIP, or any of those papers in a case or appeal where the web-based CIP has not been completed, but may receive and retain the papers pending supplementation of the papers with the required CIP and pending completion of the web-based CIP.

(c) The failure to comply with 11th Cir. Rules 26.1-1 through 26.1-4 may result in dismissal of the case or appeal under 11th Cir. R. 42-1(b), return of deficient documents without action, or other sanctions on counsel, the party, or both.

Cross-Reference: FRAP 5, 5.1, 21, 27, 28, 29, 35

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: _____

Address: _____

E-mail: _____ 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)** **[ ] Counsel Using the ECF System: E-file Brief + 7 paper copies**

FORMAT	**Appellant**	**Appellee**	**Aple/X-Aplt Opening**	**Aplt/X-Aple Response**	**Reply**	**Amicus (Merits)**	**Amicus (Rehearing)**
Cover Colors	**Blue**	**Red**	**Red**	**Yellow**	**Gray**	**Green**	**Green**
Securely Bound and No Exposed Metal							
Durable Covers							
Length (Page/Word/Line)	**30/13,000/1,300**	**30/13,000/1,300**	**35/15,300/1,500**	**30/13,000/1,300**	**15/6,500/650**	**Half of Principal Brief**	**2,600 Words**
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(a)(4)	An amicus brief must comply with the requirements of FRAP 29(a)(4)
Certificate of Interested Persons (CIP)							
Statement Regarding Oral Argument	**Wants O/A?**	**Wants O/A?**	**Wants O/A?**	**NO**	**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**	**NO**
***Statement of the Issues**		**Optional**		**NO**	**NO**		
Statement of the Case		**Optional**	**	**NO**	**NO**	**NO**	**NO**
Summary of the Argument				**NO**	**NO**		
Argument/Citations of Auth.							
Conclusion				**NO**	**NO**		
Certificate of Compliance (not required unless principal brief>30, reply>15)							
Certificate of Service							
E-file Brief							

*Page and type-volume limitations begin here and continue through Conclusion. Rev.: 12/16

**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.

No Appendix by Respondent in Agency Cases. In agency cases, the respondent is not required to file an appendix.

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. Rules 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.

- In agency cases, the respondent is not required to file an appendix.

- Counsel using the ECF system must file appendices electronically, as well as in paper. See 11th Cir. Rules 30-1(d) and 30-2; Section 11.1 of the Guide to Electronic Filing.

APPENDIX CHECKLIST

CIVIL CASES

Required Contents. If appealing from the denial or grant of summary judgment, 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. 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. 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.

Note: The respondent is not required to file an appendix in agency cases.

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

INDEX of APPENDIX

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Sentencing Transcript	162
Certificate of Service	

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

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Case Number:

Case Caption:

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

Title/Description of Motion:
_____
_____

Grounds and Relief Sought:
_____
_____
_____
_____
_____
_____
_____
_____

Name
Street Address
City, State Zip Code
Telephone Number

This form should be accompanied by the following statements:
Certificate of Interested Persons/Corporate Disclosure Statement (11th Cir. Rule 26.1)
Certificate of Compliance (if your motion is produced using a computer) [FRAP 32(g)]
Certificate of Service [FRAP 25(d)]

SAMPLE CERTIFICATE OF COMPLIANCE

General Information

A certificate of compliance ("CoC") is required whenever a word limit or line limit is used, except for the word limit for supplemental authorities in FRAP 28(j). In computing the limits, the items listed in FRAP 32(f) may be excluded. You may rely on the word or line count of the word-processing system used to prepare the document.

Briefs

- CoC is **required** for briefs filed in reliance on a word or line limit
- CoC is **not required** for briefs filed in reliance on page limits

CoC is required for a brief submitted under:
-FRAP 28.1(e)(2), 29(b)(4), or 32(a)(7)(B); or
-FRAP 29(a)(5) (if length is computed using a word or line limit).

Motions, Responses, Replies, Petitions, and Answers

- CoC is **required** if paper is produced using a computer (word limits apply)
- CoC is **not required** if paper is handwritten or typewritten (page limits apply)

CoC is required for a paper produced using a computer under:

-FRAP 5(c)(1)	(a petition for permission to appeal, cross-petition, and any answer),
-FRAP 21(d)(1)	(a petition for a writ of mandamus or prohibition, or other extraordinary writ, and any answer),
-FRAP 27(d)(2)(A)	(a motion or response to a motion),
-FRAP 27(d)(2)(C)	(a reply to a motion),
-FRAP 35(b)(2)(A)	(a petition for an en banc hearing or rehearing), or
-FRAP 40(b)(1)	(a petition for panel rehearing).

Application for a Certificate of Appealability

- CoC is required if a CoC would otherwise be required under FRAP 32(a)(7)(B). See 11th Cir. R. 22-2.

A sample certificate of compliance is on the next page.

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS

Check the appropriate box in section 1, and check the box in section 2.

1. Type-Volume

☐ This document complies with the word limit of FRAP
because, excluding the parts of the document exempted by FRAP 32(f) and
[insert applicable Rule citation, if any] , this document contains
[state the number of] words.

or

☐ This brief complies with the line limit of FRAP [insert Rule citation] because, excluding the parts of the brief exempted by FRAP 32(f) and
[insert applicable Rule citation, if any] , this brief uses a monospaced typeface and contains [state the number of] lines of text.

2. Typeface and Type-Style

☐ This document complies with the typeface requirements of FRAP 32(a)(5) and the type-style requirements of FRAP 32(a)(6).

(s)_____

Attorney for _____

Dated: _____