

# United States Court of Appeals

Eleventh Circuit  
56 Forsyth Street, NW  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

[www.ca11.uscourts.gov](http://www.ca11.uscourts.gov)

Amy C. Nerenberg  
Chief Deputy Clerk

December 6, 2021

## MEMORANDUM

Enclosed are proposed amendments to the Rules of the United States Court of Appeals for the Eleventh Circuit. Text to be added is in bold and double-underlined, while text to be deleted is lined-through.

Comments on the proposed amendments may be submitted in writing to me at the above address, or electronically at <http://www.ca11.uscourts.gov/rules/proposed-revisions>, by 5:00 PM Eastern Time on Wednesday January 5, 2022.

David J. Smith

UNITED STATES  
COURT OF APPEALS  
for the  
ELEVENTH CIRCUIT

PROPOSED REVISIONS TO ELEVENTH CIRCUIT RULES  
AND INTERNAL OPERATING PROCEDURES

- FEDERAL RULES OF APPELLATE PROCEDURE
- ELEVENTH CIRCUIT RULES
- *INTERNAL OPERATING PROCEDURES*

December 2021

## TITLE VII. GENERAL PROVISIONS

### FRAP 25. Filing and Service

#### (a) Filing.

**(1) Filing with the Clerk.** A paper required or permitted to be filed in a court of appeals must be filed with the clerk.

**(2) Filing: Method and Timeliness.**

##### **(A) Nonelectronic Filing.**

**(i) In General.** For a paper not filed electronically, filing may be accomplished by mail addressed to the clerk, but filing is not timely unless the clerk receives the papers within the time fixed for filing.

**(ii) A Brief or Appendix.** A brief or appendix not filed electronically is timely filed, however, if on or before the last day for filing, it is:

- mailed to the clerk by first-class mail, or other class of mail that is at least as expeditious, postage prepaid; or
- dispatched to a third-party commercial carrier for delivery to the clerk within 3 days.

**(iii) Inmate Filing.** If an institution has a system designed for legal mail, an inmate confined there must use that system to receive the benefit of this Rule 25(a)(2)(A)(iii). A paper not filed electronically by an inmate is timely if it is deposited in the institution's internal mail system on or before the last day for filing and:

- it is accompanied by: a declaration in compliance with 28 U.S.C. § 1746—or a notarized statement—setting out the date of deposit and stating that first-class postage is being prepaid; or evidence (such as a postmark or date stamp) showing that the paper was so deposited and that postage was prepaid; or
- the court of appeals exercises its discretion to permit the later filing of a declaration or notarized statement that satisfies Rule 25(a)(2)(A)(iii).

##### **(B) Electronic Filing and Signing.**

**(i) By a Represented Person—Generally Required; Exceptions.** A person represented by an attorney must file electronically, unless nonelectronic

**filing is allowed by the court for good cause or is allowed or required by local rule.**

**(ii) By an Unrepresented Person—When Allowed or Required.** A person not represented by an attorney:

- **may file electronically only if allowed by court order or by local rule; and**
- **may be required to file electronically only by court order, or by a local rule that includes reasonable exceptions.**

**(iii) Signing.** A filing made through a person’s electronic-filing account and authorized by that person, together with that person’s name on a signature block, constitutes the person’s signature.

**(iv) Same as a Written Paper.** A paper filed electronically is a written paper for purposes of these rules.

**(3) Filing a Motion with a Judge.** If a motion requests relief that may be granted by a single judge, the judge may permit the motion to be filed with the judge; the judge must note the filing date on the motion and give it to the clerk.

**(4) Clerk’s Refusal of Documents.** The clerk must not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or by any local rule or practice.

**(5) Privacy Protection.** An appeal in a case whose privacy protection was governed by Federal Rule of Bankruptcy Procedure 9037, Federal Rule of Civil Procedure 5.2, or Federal Rule of Criminal Procedure 49.1 is governed by the same rule on appeal. In all other proceedings, privacy protection is governed by Federal Rule of Civil Procedure 5.2, except that Federal Rule of Criminal Procedure 49.1 governs when an extraordinary writ is sought in a criminal case.

**(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) Nonelectronic service may be any of the following:**

- (A) personal, including delivery to a responsible person at the office of counsel;**
- (B) by mail; or**

**(C) by third-party commercial carrier for delivery within 3 days.**

**(2) Electronic service of a paper may be made (A) by sending it to a registered user by filing it with the court's electronic-filing system or (B) by sending it by other electronic means that the person to be served consented to in writing.**

**(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 filing or sending, 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 if it was served other than through the court's electronic-filing system:**

**(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)(A)(ii), 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.**

**(e) Number of Copies. When these rules require the filing or furnishing of a number of copies, a court may require a different number by local rule or by order in a particular case.**

**(As amended Mar. 10, 1986, eff. July 1, 1986; Apr. 30, 1991, eff. Dec. 1, 1991; Apr. 22, 1993, eff. Dec. 1, 1993; Apr. 29, 1994, eff. Dec. 1, 1994; Apr. 23, 1996, eff. Dec. 1, 1996; Apr. 24, 1998, eff. Dec. 1, 1998; Apr. 29, 2002, eff. Dec. 1, 2002; Apr. 30, 2007, eff. Dec. 1, 2007; Mar. 26, 2009, eff. Dec. 1, 2009; Apr. 28, 2016, eff. Dec. 1, 2016; Apr. 26, 2018, eff. Dec. 1, 2018; Apr. 25, 2019, eff. Dec. 1, 2019.)**

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11th Cir. R. 25-1 Filings from Party Represented by Counsel. When a party is represented by counsel, the clerk may not accept filings from the party.

11th Cir. R. 25-2 Filing of Papers Transmitted by Alternate Means. The clerk may specially authorize the filing of papers transmitted by alternate means in emergencies and for other compelling circumstances. In such cases, signed originals must thereafter also be furnished by conventional means. Provided that the clerk had given prior authorization for transmission by alternate means and the papers conform to the requirements of FRAP and circuit rules, the signed originals will be filed *nunc pro tunc* to the receipt date of the papers transmitted by alternate means. The court may act upon the papers transmitted by alternate means prior to receipt of the signed originals.

11th Cir. R. 25-3 Electronic Case Files (ECF) System.

**(a) Definitions. The following definitions apply in the circuit rules.**

**(1) Document means any order, opinion, judgment, petition, application, notice, transcript, motion, brief, or other filing in a case.**

**(2) ECF (Electronic Case Files) means the system maintained by the court for receiving and storing documents in electronic format.**

**(3) ECF Filer means an attorney or non-incarcerated pro se party who has registered and is therefore authorized to file documents electronically and to receive service through the ECF system.**

**(4) NDA (Notice of Docket Activity) is a notice generated automatically by the ECF system at the time a document is filed and a docket entry results. This notice sets forth the date of filing, the text of the docket entry, and the names of the attorneys or pro se parties required to receive notice of the filing. If a PDF document is attached to the docket entry, the NDA will also identify the person filing the document and the type of document, and will contain a hyperlink to the filed document. Any document filed by the court will similarly list those to whom electronic notice of the filing is being sent.**

**(5) PACER (Public Access to Court Electronic Records) is an electronic system that allows internet users to view, print, and download electronically maintained docket information and federal court documents.**

**(6) PDF (Portable Document Format) means a non-modifiable electronic file containing the “.pdf” file extension. Text-Searchable PDF means a PDF file generated from an original word-processing file rather than scanned.**

**(a-b) Electronic Filing and Service by Attorneys. It is mandatory that all counsel of record use the court’s Electronic Case Files (ECF) system. Except as otherwise required by circuit rule or court order, all counsel of record must file documents electronically using the ECF system. Upon motion and a showing of good cause, the court may exempt an attorney from the electronic filing requirements and authorize filing and service by means other than the use of**

the ECF system. The motion, which need not be filed or served electronically, must be filed at least 14 days before the brief, petition, or other document is due. Also see 11th Cir. Rules 30-3 and 31-5.

(c) Electronic Filing by Non-Incarcerated Pro Se Parties. Non-incarcerated pro se parties are permitted to use the court's ECF system. However, once a non-incarcerated pro se party has elect~~ed~~ed registered to use the ECF system, such party is required to do so unless the court grants the party's request to not use the system or revokes the party's permission upon a finding that the party has abused the privilege of using the ECF system.

(d) Registration and Passwords. To register as a user of the ECF system, an attorney or pro se party must submit to the PACER Service Center a completed ECF Registration form. An attorney must be a member of the Eleventh Circuit bar, admitted for a particular proceeding under 11th Cir. R. 46-3, admitted pro hac vice in a particular case, or appearing in a particular case as a pro se party. In addition to ECF registration, the attorney, the attorney's firm, or the pro se party must have a PACER account and an e-mail address. The log-in and password for ECF access will be used to file documents electronically with the court.

Upon receipt of the attorney or pro se party's registration information from the PACER Service Center, the clerk will determine eligibility and activate the ECF Filer's account. If a log-in and/or password should become compromised, the ECF Filer is responsible for notifying the PACER Service Center. An ECF Filer whose e-mail address, mailing address, telephone number, or fax number changes from that disclosed on the filer's original ECF Registration form must promptly notify the PACER Service Center.

(e) Electronic Filing. Documents must be filed and served electronically in accordance with the procedures adopted by the court and set forth in the Eleventh Circuit Guide to Electronic Filing these rules. ~~The Eleventh Circuit Guide to Electronic Filing, and i~~ Information and training materials related to electronic filing, are available at [www.ca11.uscourts.gov](http://www.ca11.uscourts.gov). Authorized use of an ECF Filer's log-in and password by another is deemed to be the act of the ECF Filer. Later modification of a filed document or docket entry by the ECF Filer is not permitted except as authorized by the court. The clerk may edit the docket entry to correct or supplement the text. A notation will be made indicating the entry was edited. When a correction to an electronically filed document (e.g., motion, brief, or appendix) is necessary, the ECF Filer must upload the entire new document, and not just the corrected pages.

All electronically filed documents must be in PDF form and must conform to all technical and format requirements established by the court and, if any, the Judicial Conference of the United States. Whenever possible, documents must be in Text-Searchable PDF and not created by scanning. The maximum size of a document that may be filed electronically is 50 MB (megabytes). If a document exceeds 50 MB, it must be filed in separate volumes, each not to exceed 50 MB.

In accordance with FRAP 25(a)(5) and 11th Cir. R. 25-5, an ECF Filer must redact all documents, including briefs, consistent with the privacy policy of the Judicial Conference of the United States. Remote electronic access to immigration and Social Security dockets is

limited. See FRAP 25(a)(5) and 11th Cir. R. 25-5. In this regard, remote electronic public access to the full record in these cases is restricted to judges, court staff, and the parties and attorneys in the appeal or agency proceeding. Access to orders and opinions is not restricted in these cases. Parties seeking to restrict access to orders and opinions must file a motion explaining why that relief is required in a given case.

(f) Service. Registration to use the ECF system constitutes consent to receive electronic service of all documents as provided by the Federal Rules of Appellate Procedure and the circuit rules, as well as to receive electronic notice of correspondence, orders, and opinions issued by the court. The notice generated and e-mailed by the ECF system constitutes service of all electronically filed documents on attorneys and pro se parties registered to use the ECF system. Independent service, either by paper or otherwise, need not be made on those attorneys or parties and no certificate of service is required. Incarcerated pro se litigants, non-incarcerated pro se litigants who ~~choose not~~ are not registered to file electronically or whose permission to file electronically has been revoked, and attorneys who are exempt from electronic filing must be served by the filing party through the conventional means of service set forth in FRAP 25 and a certificate of service is required.

(g) Documents Exempted from Electronic Filing. Unless otherwise directed by the court, the following documents must not be filed through the ECF system: (1) any document filed by an incarcerated party who is not represented by counsel; (2) a document filed under seal or requested to be filed under seal; (3) a document classified as a highly sensitive document; (4) any documents pertaining to a request for authorization, a claim for compensation, or a claim for reimbursement of expenses under the Criminal Justice Act and Addendum Four that are not otherwise appropriate for submission through the eVoucher system; and (5) a voucher and associated documents pertaining to a claim for reimbursement of expenses under Addendum Five.

(h) Documents Under Seal. Documents filed under seal in the court from which an appeal is taken will continue to be filed under seal on appeal to this court. A motion to file documents under seal may be filed electronically unless prohibited by law, circuit rule, or court order. The sealed documents or documents requested to be sealed must not be attached to the motion. Documents requested to be sealed must be submitted in paper format in a sealed envelope, and must be received by the clerk within 10 days of filing the motion. The face of the envelope containing such documents must contain a conspicuous notation that it contains "DOCUMENTS UNDER SEAL" or substantially similar language. See also 11th Cir. R. 25-5.

(i) Filing Deadlines. An electronically filed document is deemed filed upon completion of the transmission and issuance of an NDA. The uploading of an incorrect document, or the filing of a document in the wrong case, does not constitute compliance with filing deadlines. In the event an ECF Filer uploads an incorrect document, or files a document in the wrong case, the clerk will send the ECF Filer notice of the error. If the ECF Filer corrects the error within 5 days of the clerk's notice, a motion to file the document out of time is not required. Otherwise, the ECF Filer must also electronically file in the case a motion to file the document out of time.

An ECF Filer whose filing is untimely as the result of a technical failure may seek appropriate relief from the court. Technical issues such as log-in and password questions, and creating and uploading PDF documents, should be directed to the PACER Service Center help desk. Procedural questions concerning how to docket a specific event should be directed to the Eleventh Circuit ECF help desk. This includes any instance in which an ECF Filer has transmitted a document to the ECF system and did not thereafter receive an NDA.

(j) Electronic Filing and Service by the Clerk. The electronic filing of any document by the clerk of court or a deputy clerk by use of that individual's log-in and password shall be deemed the filing of a signed original document for all purposes. Service by the clerk on an obsolete e-mail address will constitute valid service on an ECF Filer if the filer has failed to notify the PACER Service Center of a new e-mail address.

(k) Entry on the Docket and Official Court Record. The electronic transmission of a document, together with transmission of the NDA from the court, constitutes the filing of the document under the Federal Rules of Appellate Procedure and constitutes the entry of that document onto the official docket of the court maintained by the clerk pursuant to FRAP 45(b)(1). The electronic version of filed documents, whether filed electronically in the first instance or received by the clerk in paper or other format and subsequently scanned or converted into electronic format, constitutes the official record in the case. When the clerk scans a paper document into the ECF system, the clerk will discard the paper document once it has been scanned and made a part of the official record, unless the electronic file thereby produced is incomplete or of questionable quality. A document submitted electronically is deemed to have been filed on the date indicated in the system-generated NDA.

Except as otherwise provided by circuit rule or court order, all orders, opinions, judgments, and other court-issued documents in cases maintained in the ECF system are filed in accordance with the circuit rules, which constitutes entry on the docket kept by the clerk, and are served on ECF Filers electronically. Any order or other court-issued document filed electronically without the original signature of a judge or authorized court personnel has the same force and effect as if the judge or clerk had signed a paper copy of the document.

(b) Attorney Exemption. Upon motion and a showing of good cause, the court may exempt an attorney from the electronic filing requirements and authorize filing and service by means other than the use of the ECF system. The motion, which need not be filed or served electronically, must be filed at least 14 days before the brief, petition, or other document is due. Also see 11th Cir. R. 31-5.

11th Cir. R. 25-4 Information and Signature Required. All ~~papers~~ documents filed, including motions and briefs, must contain the name, office address, and telephone number of an attorney or a party proceeding pro se, and be signed by an attorney or by a party proceeding pro se. Inmate filings must be signed by the inmate and should contain name, prisoner number, institution, and street address. Signatures for ECF Filers are governed by FRAP 25(a)(2)(B)(iii). The ECF Filer of any electronically filed document containing multiple signatures must include each person's name on a signature block. By submitting such a document, the ECF Filer certifies that each of the other filers has expressly agreed to the form and substance of the document, and that the ECF Filer has their authority to submit the document electronically.

11th Cir. R. 25-5 Maintaining Privacy of Personal Data. In order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court.

- a. Social Security numbers and Taxpayer Identification numbers. If an individual's social security number or taxpayer identification number must be included in a pleading, only the last four digits of that number should be used.
- b. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used. For purposes of this rule, a minor child is any person under the age of eighteen years, unless otherwise provided by statute or court order.
- c. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.
- d. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
- e. Home addresses. If a home address must be included, only the city and state should be used.

Subject to the exemptions from the redaction requirement contained in the Federal Rules of Civil, Criminal, and Bankruptcy Procedure, as made applicable to the courts of appeals through FRAP 25(a)(5), a party filing a document containing the personal data identifiers listed above shall file a redacted document for the public file and either:

(1) a reference list under seal. The reference list shall contain the complete personal data identifier and the redacted identifier used in its place in the redacted filing. All references in the filing to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifiers. The reference list must be filed under seal, may be amended as of right, and shall be retained by the court as part of the record. A motion to file the reference list under seal is not required. Or

(2) an unredacted document under seal, along with a motion to file the unredacted document under seal specifying the type of personal data identifier included in the document and why the party believes that including it in the document is necessary or relevant. If permitted to be filed, both the redacted and unredacted documents shall be retained by the court as part of the record.

The responsibility for redacting these personal data identifiers rests solely with counsel and the parties. The clerk will not review each pleading for compliance with this rule. A person waives the protection of this rule as to the person's own information by filing it without redaction and not under seal.

Consistent with FRAP 25(a)(5), remote electronic public access is not provided to pleadings filed with the court in Social Security appeals and immigration cases. Therefore, parties in Social Security appeals and immigration cases are exempt from the requirements of this rule.

In addition to the foregoing, a party should exercise caution when filing a document that contains any of the following information. A party filing a redacted document that contains any of the following information must comply with the rules for filing an unredacted document as described in numbered paragraph (2) above.

- Personal identifying number, such as driver's license number;
- medical records, treatment and diagnosis;
- employment history;
- individual financial information;
- proprietary or trade secret information;
- information regarding an individual's cooperation with the government;
- national security information;
- sensitive security information as described in 49 U.S.C. § 114(s).

11th Cir. R. 25-6 Court Action with Respect to Impermissible Language or Information in Filings.

(a) When any paper filed with the court, including motions and briefs, contains:

(1) *ad hominem* or defamatory language; or

(2) information the public disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or

(3) information the public disclosure of which would violate legally protected interests,

the court on motion of a party or on its own motion, may without prior notice take appropriate action.

(b) The appropriate action the court may take in the circumstances described above includes ordering that: the document be sealed; specified language or information be stricken from the document; the document be struck from the record; the clerk be directed to remove the document from electronic public access; the party who filed the document either explain why including the specified language or disclosing the specified information in the document is relevant, necessary, and appropriate or file a redacted or replacement document.

(c) When the court takes such action under this rule without prior notice, the party may within 14 days from the date the court order is issued file a motion to restore language or information stricken or removed from the document or file the document without redaction, setting forth with particularity any reasons why the action taken by the court was unwarranted. The timely filing of such motion will postpone the due date for filing any redacted or replacement document until the court rules on the motion.

11th Cir. R. 25-7 Obligation to Notify Court of Change of Addresses. Each pro se party and attorney exempt from electronic filing requirements has a continuing obligation to notify this court of any changes to the party's or attorney's mailing address and e-mail address, if any, during the pendency of the case in which the party or attorney is participating. Every attorney registered to use the ECF system has a continuing obligation to notify the PACER Service Center of any changes to the attorney's e-mail address, mailing address, telephone number, and fax number. The transmission of court documents to a previous address is effective if the pro se party or attorney has failed to comply with this rule.

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*I.O.P. -*

1. Timely Filing of Papers. *Except as otherwise provided by FRAP 25(a) for inmate filings and for briefs and appendices, all other papers, including petitions for rehearing, shall not be timely unless they are actually received in the clerk's office within the time fixed for filing.*

2. Acknowledgment of Filings. *The clerk will acknowledge paper filings if a stamped self-addressed envelope is provided.*

3. Filing with the Clerk. *The clerk's office in Atlanta is the proper place for the filing of all court documents that are exempt from electronic filing. It is open for business from 8:30 a.m. until 5:00 p.m., Eastern time, Monday through Friday (except legal holidays). Staff is available during these hours to receive filings and to respond to over-the-counter and telephone inquiries. Outside of normal business hours, an emergency telephone message system is available through which a deputy clerk may be reached by dialing the main clerk's office telephone number and following recorded instructions.*

4. Papers Sent Directly to Judges' Chambers. *When an attorney or party sends papers related to a pending appeal directly to a judge's chambers without having received prior approval from the court to do so, the judge shall forward the papers to the clerk for appropriate processing. The clerk will advise the attorney or party that the papers have been received by the clerk, and that the clerk's office in Atlanta is the proper place for the filing of appellate papers.*

5. Miami Satellite Office. *The clerk maintains a satellite office in Miami, Florida, to assist parties and counsel to access the record on appeal in appeals being briefed, and to provide other related assistance. It is open for business from 8:30 a.m. until 5:00 p.m., Eastern time, Monday through Friday (except legal holidays).*

*All filings and case-related inquiries should be directed to the clerk's principal office in Atlanta, except that counsel who receive a calendar assigning an appeal to a specific day of oral argument in Miami should direct filings and case-related inquiries up to the date of oral argument to the Miami satellite office. Inquiries concerning bar membership, renewal of bar membership, and application for admission to the bar are to be directed to the clerk's principal office in Atlanta.*

appendix must be served on counsel for each party separately represented, and on each pro se party. Where multiple parties are on one side of an appeal, they are strongly urged to file a joint appendix.

For filers using the ECF system, the electronically filed appendix is the official record copy of the appendix. Use of the ECF system does not modify the requirement that filers must provide to the court the required number of paper copies of the appendix. Filers will be considered to have complied with this requirement if, on the day the electronic appendix is filed, the filer sends two paper copies to the clerk using one of the methods outlined in FRAP 25(a)(2)(A)(ii). If the appeal is classed for oral argument, the filer (except for pro se parties proceeding in forma pauperis) must file an additional three identical paper copies of the appendix in accordance with the preceding paragraph. Also see 11th Cir. R. 25-3(a).

(e) Form. The paper appendix shall be reproduced on white paper by any duplicating or copying process capable of producing a clear black image, with a cover containing the information specified in 11th Cir. R. 28-1(a) and captioned “Appendix.” The appendix shall be assembled with a front and back durable (at least 90#) white covering and shall be bound across the top with a secure fastener. Indexing tabs shall be affixed to the first page of each document in the appendix to identify and assist in locating the document. An index identifying each document contained in the appendix and its tab number shall be included immediately following the cover page. The appendix shall include a certificate of service if required by FRAP 25(d).

11th Cir. R. 30-2 Appendix - Agency Review Proceedings. Except in review proceedings covered by 11th Cir. R. 15-1, in proceedings for review of orders of an agency, board, commission or officer, the 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.

The requirements concerning the time for filing, number of copies, and form, set out in 11th Cir. R. 30-1(c), (d), and (e), also apply in agency proceedings. In a National Labor Relations Board enforcement proceeding, the party adverse to the Board shall be considered a petitioner for purposes of this rule.

11th Cir. R. 30-3 Electronic Appendix Submission. This rule only applies to attorneys who have been granted an exemption from the use of the ECF system under 11th Cir. R. 25-3(b). On the day the attorney’s paper appendix is served, the attorney must provide the court with an electronic appendix in accordance with directions provided by the clerk. The time for serving and filing an appendix is determined by service and filing of the paper appendix. If corrections are required to be made to the paper appendix, a corrected copy of the electronic appendix must be provided. The certificate of service, **if required**, shall indicate the date of service of the appendix in paper format.

expiration of the due date for filing the brief or appendix. The clerk is without authority to file an appellant's motion for an extension of time to file the brief or appendix received by the clerk after the expiration of the due date for filing the brief or appendix. A request for an extension of time to correct a deficiency in the brief or appendix pursuant this rule must be made or filed within 14 days of the clerk's notice as provided in 11th Cir. R. 42-3. The clerk is without authority to file an appellant's motion for an extension of time to correct a deficiency in the brief or appendix received by the clerk after the expiration of the 14-day period provided by that rule. [See 11th Cir. R. 42-2 and 42-3 concerning dismissal for failure to prosecute in a civil appeal.]

11th Cir. R. 31-3 Briefs - Number of Copies. All parties must file four briefs in paper. For filers using the ECF system, the electronically filed brief is the official record copy of the brief. Use of the ECF system does not modify the requirement that filers must provide to the court four paper copies of a brief. ECF filers will be considered to have complied with this requirement if, on the day the electronic brief is filed, the filer sends four paper copies to the clerk using one of the methods outlined in FRAP 25(a)(2)(A)(ii). Also see 11th Cir. R. 25-3(a).

If the appeal is classed for oral argument, parties (except for pro se parties proceeding in forma pauperis) must file an additional three identical paper copies of the brief within seven days after the date on the notice from the clerk that the appeal has been classed for oral argument.

11th Cir. R. 31-4 Expedited Briefing in Criminal Appeals. The clerk is authorized to expedite briefing when it appears that an incarcerated defendant's projected release is expected to occur prior to the conclusion of appellate proceedings.

11th Cir. R. 31-5 Electronic Brief Submission. This rule only applies to attorneys who have been granted an exemption from the use of the ECF system under 11th Cir. R. 25-3(b). On the day the attorney's paper brief is served, the attorney must provide the court with an electronic brief in accordance with directions provided by the clerk. The time for serving and filing a brief is determined by service and filing of the paper brief. If corrections are required to be made to the paper brief, a corrected copy of the electronic brief must be provided. The certificate of service, if required, shall indicate the date of service of the brief in paper format.

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*I.O.P. - Briefing Schedule. The clerk's office will send counsel and pro se parties a letter confirming the due date for filing appellant's brief consistent with the provisions of 11th Cir. R. 12-1 and 11th Cir. R. 31-1, but delay in or failure to receive such a letter does not affect the obligation of counsel and pro se parties to file the brief within the time permitted by 11th Cir. R. 31-1. The clerk's office will also advise counsel and pro se parties of the rules and procedures governing the form of briefs.*

Cross-Reference: FRAP 25, 26, 27; "E-Government Act of 2002," Pub. L. No. 107-347