

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

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**NOTICE OF ADOPTION OF AMENDMENTS
TO INTERNAL OPERATING PROCEDURES**

The United States Court of Appeals for the First Circuit previously provided notice of proposed amendments to Internal Operating Procedures III.B and VI.D. The amendments are being made to maintain consistency with the time-computation amendments to the Federal Rules of Appellate Procedure effective December 1, 2009. The court solicited comments. No comments were received.

The court hereby provides notice of the adoption of the amendments. A copy of the relevant provisions of the internal operating procedures with the amendments incorporated is attached.

The effective date of the amendments is December 1, 2009.

November 17, 2009

Richard Cushing Donovan, Clerk

Internal Operating Procedure III. Initial Procedures

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- B. Ordering Transcripts.** The transcripts must be ordered from the court reporter(s) on Transcript Order/Report Form which is available from the district court clerks and from the Clerk of the Court of Appeals. The order for the transcript must be given within 14 days after the filing of the notice of appeal and satisfactory financial arrangements must be made with the court reporter. See Fed. R. App. P. 10, 11; Local Rule 10.0. Counsel are required to complete these arrangements before the copy of the Transcript Order/Report is filed with the Court of Appeals. If counsel are being paid under the Criminal Justice Act (“CJA”), the CJA form must first be approved and then attached to the Transcript Order/Report Form.

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Internal Operating Procedure VI. Briefs and Appendices

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- D. Defaults.** If the appellant fails to file the brief and appendix on time, the Clerk is authorized to enter an order dismissing the appeal, and when an appellee is in default as to filing a brief, the appellee will not be heard at oral argument. The party in default may remove the default by showing special circumstance justifying the failure to comply. Any motion to set aside a dismissal should be filed within fourteen days. See Local Rule 45.0.
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