

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

RICHARD CUSHING DONOVAN  
CLERK

JOHN JOSEPH MOAKLEY  
UNITED STATES COURTHOUSE  
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**NOTICE OF PROPOSED AMENDMENTS  
TO INTERNAL OPERATING PROCEDURES**

The United States Court of Appeals for the First Circuit hereby provides notice that it proposes amendments to Internal Operating Procedures III.B and VI.D. The amendments are made to be consistent with the time-computation amendments to the Federal Rules of Appellate Procedure effective December 1, 2009. A copy of the relevant provisions of the amended Internal Operating Procedures is attached. Deletions are indicated in ~~strike-out~~ print; additions are indicated in *italic* print; and omitted sections are indicated by “\* \* \*”.

The Court of Appeals invites public comments on the proposed amendments. Comments should be submitted by October 28, 2009, and addressed to:

Office of the Clerk  
U.S. Court of Appeals for the First Circuit  
United States Courthouse  
1 Courthouse Way, Suite 2500  
Boston, Massachusetts 02210

September 28, 2009

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Richard Cushing Donovan, Clerk

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### 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 ~~10~~ *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 ~~ten~~ *fourteen* days. See Local Rule 45.0.
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