

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

MARGARET CARTER
CLERK

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NOTICE OF ADOPTION OF AMENDMENT TO
LOCAL RULE 22.1(e) and RULE 27.0(c)

The United States Court of Appeals for the First Circuit previously provided notice of proposed amendments to Local Rule 22.1(e) and Rule 27.0(c). No comments were received.

The court hereby provides notice of the final amendments. A copy of Local Rule 22.1(e) and Rule 27.0(c), with the amendments incorporated, is attached.

March 25, 2013

/s/ Margaret Carter, Clerk

Local Rule 22.1. Habeas Corpus; Successive Petitions

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- (e) **Transfer.** If a second or successive § 2254 or § 2255 petition is filed in a district court without the requisite authorization by the court of appeals pursuant to 28 U.S.C. § 2244(b)(3), the district court will transfer the petition to the court of appeals pursuant to 28 U.S.C. § 1631 or dismiss the petition. If the petition is transferred, the petitioner must file a motion meeting the substantive requirements of Loc. R. 22.1(a) within 45 days of the date of notice from the clerk of the court of appeals that said motion is required. If the motion is not timely filed, the court will enter an order denying authorization for the § 2254 or § 2255 petition.

Local Rule 27.0. Motions

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- (c) **Summary Disposition.** At any time, on such notice as the court may order, on motion of appellee or sua sponte, the court may dismiss the appeal or other request for relief or affirm and enforce the judgment or order below if the court lacks jurisdiction, or if it shall clearly appear that no substantial question is presented. In case of obvious error the court may, similarly, reverse. Motions for such relief should be promptly filed when the occasion appears.