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UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

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

The United States Court of Appeals for the First Circuit hereby provides notice that it proposes the attached minor amendments to Local Rule 22.1(e) and Rule 27.0(c) necessitated by past rule changes. The second sentence of Local Rule 22.1(e) is corrected to cross-reference Local Rule 22.1(a), rather than former Local Rule 22.2(a). The requirement in Local Rule 27.0(c) that motions for summary disposition be accompanied by "four copies of a memorandum or brief" is stricken. Fed. R. App. P. 27(a)(2)(C) currently requires that legal arguments be made in the body of a motion, rather than in a separate brief or memorandum, and, with the advent of electronic case filing, this court no longer requires paper copies of motions. A copy of the proposed amended rules is attached. Additions are in *italic* print; deletions are in ~~strike-out~~ print.

The Court of Appeals invites public comment on the proposed amendments. Comments should be received by January 11, 2013, 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, MA 02210

December 10, 2012

/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) ~~22.2(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, ~~and must be accompanied by four copies of a memorandum or brief.~~