

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

MARGARET CARTER
CLERK

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NOTICE OF PROPOSED ADOPTION OF LOCAL RULE 18.0

The United States Court of Appeals for the First Circuit hereby provides notice that it intends to adopt the attached proposed Local Rule 18.0. An explanation for the proposed Local Rule follows.

In order to ensure the orderly presentation of issues placed before this Court in immigration cases and to preserve the Court's ability to make considered decisions in such cases, the Court proposes to adopt the following Local Rule, which would apply to petitions for review and appeals from district court habeas proceedings. For such cases, the proposed rule would require the government to file a notice identifying the earliest date upon which removal of a petitioner might be made and establish that the Clerk will enter an administrative order staying removal for ten business days when a first motion for stay of removal is timely filed.

The Court of Appeals invites public comment on the proposed adoption of this Local Rule. Comments should be received by **March 7, 2018** 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

February 5, 2018

/s/ Margaret Carter, Clerk

Local Rule 18.0

In order to ensure the orderly presentation of issues placed before this Court in immigration cases and to preserve the Court's ability to make considered decisions in such cases, the Court adopts the following policy, which applies to petitions for review and appeals from district court habeas proceedings (collectively, for purposes of this rule, "petitions").

- 1. If the government has scheduled or is taking steps to schedule the removal of a petitioner, then the government will file with the Court a notice identifying the earliest date upon which removal may be made. The notice must be filed by the later of: one day after a petition is docketed in the court of appeals and notification is transmitted to the government via the court's CM/ECF system or immediately upon taking steps to schedule removal. The absence of any such notice will be deemed a representation by counsel for the government that the government has not yet scheduled or taken steps to schedule the removal of the petitioner.*
- 2. When a first motion for stay of removal is timely filed in this court and notification is transmitted to the government via the court's CM/ECF system, the clerk will enter an administrative order staying removal for ten business days. The government shall file its response to the motion for stay of removal by the later of: two business days after the filing of the first motion for stay of removal; or, ten business days prior to the earliest possible date of removal; provided, however, that any response must be filed within the time period specified by Fed. R. App. P. 27(a)(3)(A). Upon motion and good cause, any of these deadlines may be revised in a particular case. This paragraph applies only to the first timely motion to stay removal filed in an individual case in this court. For purposes of this paragraph only, a first motion to stay removal will be deemed timely if filed by the later of: the docketing of the petition; or two business days after the filing of a notice by the government as provided in paragraph 1, above. If petitioner is pro se, this deadline shall not apply, but any stay motion should be filed as expeditiously as possible.*