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UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

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**NOTICE OF PROPOSED AMENDMENT TO INTERNAL OPERATING
PROCEDURE VI.**

The United States Court of Appeals for the First Circuit hereby provides notice that it proposes the attached amendment to Internal Operating Procedure VI. Additions are noted in *italic* print; deletions are noted in ~~strikeout~~ print. An explanation for the proposed amendment follows.

Internal Operating Procedure VI is being amended to delete a cross reference to the court's September 14, 2009 Administrative Order Regarding Case Management/Electronic Case Files System ("CM/ECF") and to substitute it with a reference to Local Rule 25.0.

The Court of Appeals invites public comment on the proposed amendment. Comments should be received by **August 10, 2017** 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

July 11, 2017

/s/ Margaret Carter, Clerk

Internal Operating Procedure VI. Briefs and Appendices

- A. General.** The court's website, www.cal.uscourts.gov, contains guidelines and a checklist to assist counsel in preparing briefs. Counsel are advised that any brief that does not conform to the requirements of the rules may be rejected. For information regarding electronic document filing pursuant to the court's electronic filing system, see ~~Administrative Order Regarding Case Management/Electronic Case Files System ("CM/ECF")~~ *Loc. R. 25.0*, a copy of which is available on the court's website. Electronic filing is permitted after October 13, 2009 and is required for all attorney filings after January 1, 2010.
- B. Modifications.** The following modifications of the Fed. R. App. P. apply in the First Circuit:
- 1) One copy of the brief or petition must be filed electronically or on a computer generated disk. See Local Rule 32.0.
 - 2) Only 10 copies, including the disk or electronic filing, need be filed.
- C. Deferred Appendix.** Note the Local Rules of this Court do not provide for the proceeding on a deferred appendix pursuant to Fed. R. App. P. 30(c). If special leave to proceed under this method is sought, and the Court grants such leave, the leave will be conditioned upon a shorter time schedule than the Fed. R. App. P. generally allow so that the processing of the appeal will not take any longer time than it would under the regular procedure.
- 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.