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FOR THE FIRST CIRCUIT

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PRESS RELEASE REGARDING THE ADOPTION OF LOCAL RULE 18.0

On May 7, 2018, the United States Court of Appeals for the First Circuit adopted Local Rule 18.0 which applies to immigration cases. The text of Local Rule 18.0 as adopted is set out below.

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 to appeals from district court habeas proceedings (collectively, for purposes of this rule, "petitions").

- 1. If the government has scheduled 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 once removal is scheduled. The absence of any such notice will be deemed a representation by counsel for the government that the government has not yet scheduled 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, as well as the duration of the stay, 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.*