

Office of the Clerk
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
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Rev., July 29, 2002

**Notice and Opportunity for Comment on
Proposed Amendments to the Circuit Rules**

Comments are invited on the following proposed amendment to Circuit Rule 27-11, Motions; Effect on Schedule. **New or amended language is in bold print and underlined.** Comments should be submitted to Cathy A. Catterson, Clerk of Court/Circuit Court Executive, no later than **August 26, 2002**.

CIRCUIT RULE 27-11

MOTIONS; EFFECT ON SCHEDULE

(a) Motions requesting the types of relief noted below ~~and filed within 28 days from the filing of the notice of appeal~~ shall, **unless otherwise ordered by the court, vacate stay** the schedule for record preparation and briefing pending the court's disposition of the motion:

- (1) dismissal ~~for lack of jurisdiction~~;
- (2) transfer to another ~~circuit~~ **tribunal**;
- (3) full remand;
- (4) in forma pauperis status **in this court**;
- (5) production of transcripts at government expense ~~in civil appeals; and~~
- (6) appointment **or withdrawal** of counsel; and
- (7) **summary disposition.**

Briefing and record preparation shall be re-set as necessary upon the court's disposition of the motion.

~~Motions filed after this 28 day period will not vacate the schedule, and the parties shall comply with that schedule until they are notified by the court to do otherwise, except as provided in subsection (b) infra.~~

~~(b) If within 14 days of the service of the opening brief, appellee moves to dismiss the appeal for lack of jurisdiction, the remainder of the briefing schedule shall be vacated. Briefing shall be reset as necessary upon the court's disposition of the motion. (rev. 1/96)~~

Purpose of Amendment: To offer guidance of the impact of filings of:

- < *all motions for dismissal*
- < *motions to transfer a case to all other potential fora*
- < *motions to withdraw as counsel*
- < *motions for summary disposition and*
- < *motion to proceed in forma pauperis filed in this court*
- < *motions for production of transcripts at government expense*