

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157

DOCKETING STATEMENT INSTRUCTIONS

WARNING: FAILURE TO FILE THE DOCKETING STATEMENT, OR TO COMPLY WITH INSTRUCTIONS AS TO CONTENT AND ATTACHMENTS, MAY RESULT IN DISMISSAL OF THE APPEAL OR DISCIPLINE OF COUNSEL OR BOTH. See 10th Cir. R. 42.1, 46.6.2 and 46.6.3.

I. APPEALS FROM DISTRICT COURT

The appellant must complete the attached Docketing Statement and file it with the clerk of the court of appeals within 10 days after filing the notice of appeal. An original and four copies must be filed. See 10th Cir. R. 3.4. The Docketing Statement must be accompanied by proof of service on all other parties to the appeal.

Copies of the following documents must be attached to all copies of the Docketing Statement:

- A. The district court docket entries which include entry of the notice of appeal. (In multiple appeals arising out of the same or consolidated district court cases, copies of the district court docket entries are only required to be attached to the Docketing Statement filed by the first appellant. Subsequent appellants shall attach to their docketing statements a copy of that page of the district court docket sheet showing the filing of the notice of appeal and any post-judgment motions.);
- B. The final judgment or order appealed from:

- C. Any pertinent findings and conclusions, opinions or orders which form the basis for the appeal:
- D Any motion filed under Fed. R. Civ. P. 50(b), 52(b), 59, 60(b), including any motion for reconsideration, and in a criminal appeal, a motion for judgment of acquittal, for arrest of judgment or judgment or for new trial, with the certificate of service and the dispositive order;
- E Any motion for extension of time to file the notice of appeal and the dispositive order; and
- F The notice of appeal.

Please complete all sections of the Docketing Statement form except Sections I-B and I-C. Section V should only be completed in criminal appeals.

II. PETITIONS FOR REVIEW OR APPLICATIONS FOR ENFORCEMENT OF AGENCY ORDERS

The Docketing Statement must be filed in the court of appeals within 14 days after filing a petition for review or application for enforcement. An original and four copies must be filed. The Docketing Statement must be accompanied by proof of service on all other parties.

Copies of the following documents must be attached to all copies of the Docketing Statement:

- A. The agency docket entries with the entry of the order to be reviewed;
- B. The order to be reviewed; and
- C. The petition for review or application for enforcement.

Please complete all sections of the Docketing Statement except Sections I-A, I-C, and V.

III. APPEALS FROM UNITED STATES TAX COURT

The Docketing Statement must be filed in the court of appeals within 14 days after the appeal is docketed. An original and four copies must be filed. The Docketing Statement must be accompanied by proof of service on all other parties.

Copies of the following documents must be attached to all copies of the Docketing Statement:

- A. The Tax Court docket entries with the entry of the notice of appeal;
- B. The decision appealed from;
- C. The judgment appealed from; and
- D. The notice of appeal.

Please complete all sections of the Docketing Statement form except Sections I-A, I-B, and V.

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

DOCKETING STATEMENT

Case Name: _____

Court/Agency: _____

Court/Agency Docket No.: _____ District Judge: _____

Party or Parties filing Appeal/Petition: _____

I. TIMELINESS OF APPEAL OR PETITION FOR REVIEW

A. Appeal from District Court

1. Date notice of appeal filed: _____

a. Was a motion filed for an extension of time to file notice of appeal? If so, give the filing date of the motion, the date of any order disposing of the motion, and the deadline for filing notice of appeal: _____

b. Is the United States or an officer or an agency thereof a party to this appeal? _____

2. Authority fixing time limit for filing notice of appeal:

Fed. R. App. P. 4(a)(1) _____ Fed. R. App. P. 4(a)(4) _____
Fed. R. App. P. 4(a)(2) _____ Fed. R. App. P. 4(a)(5) _____
Fed. R. App. P. 4(a)(3) _____ Fed. R. App. P. 4(b) _____
Other: _____

3. Date final judgment or order to be reviewed was filed and entered on district court docket sheet:

a. Does the judgment or order to be reviewed dispose of all claims by and against all parties? SEE Fed. R. Civ. P. 54(b). _____

- b. If not, did district court direct entry of judgment in accordance with Fed. R. Civ. P. 54(b)? When was this done? _____

- c. If the judgment or order is not a final disposition, is it appealable under 28 U.S.C. §1292 (a)? _____
- d. If none of the above applies, what is the specific statutory basis for determining that the judgment or order is appealable? _____

4. Tolling Motions. SEE Fed. R. App. p. 4(a)(4).

- a. Give the date of service of any motion under Fed. R. Civ. P. 50(b), 52(b), 59, including any motion for reconsideration, filed in the district court:

- b. Has an order been entered by the district court disposing of any such motion, and, if so, when?

5. Bankruptcy Appeals. (To be completed only in appeals from a judgment, order or decree of a district court in a bankruptcy case.)

- a. Are there assets of the debtor subject to administration by a district or bankruptcy court?

- b. Please state the approximate amount of such assets, if known. _____

B. Review of Agency Order (To be completed only in connection with petitions for review or applications for enforcement filed directly with the Court of Appeals.)

- 1. Date petition for review filed: _____
- 2. Date of order to be reviewed: _____

3. Specify the statute or other authority granting the Court of Appeals jurisdiction to review the order: _____

4. Specify the time limit for filing the petition (cite specific statutory section or other authority): _____

C. Anneal of Tax Court Decision

1. Date notice of appeal filed: _____

2. Time limit for filing notice of appeal: _____

3. Date of entry of decision appealed: _____

4. Was a timely motion to vacate or revise a decision made under the Tax Court's Rules of Practice, and, if so, when? _____

II. LIST ALL RELATED OR PRIOR APPEALS WITH APPROPRIATE CITATION(S). If none, so state. _____

III. GIVE BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW.

IV. ISSUES TO BE RAISED ON APPEAL.

V. ADDITIONAL INFORMATION IN CRIMINAL APPEALS.

- a. Was appellant sentenced under the sentencing guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. §994 (a)? _____
- b. Does this appeal involve review under 18 U.S.C. §3742 (a) or (b) of the sentence imposed? _____
- c. If the answer to question "b" is yes, does the appellant also challenge the judgment of conviction? _____
- d. Describe the sentence imposed. _____

- e. Was the sentence imposed after a plea of guilty? _____
- f. Is appellant on probation or at liberty pending appeal? (Please explain.) _____

- g. If appellant was sentenced to less than one year, and was not placed on probation or is not at liberty pending appeal, does appellant move the Court of Appeals to expedite this appeal? _____

NOTE: In the event appellant requests that this appeal be expedited, the appellant shall consider whether a transcript of any portion of the trial court proceedings is necessary for the appeal. Necessary transcripts must be ordered at the time of appeal by completing and delivering the transcript order form to the clerk of the district court when a notice of appeal is filed. Appellant must refrain from ordering any unnecessary transcript since this will delay the appeal. If the court orders this appeal expedited, it will set a schedule for preparation of necessary transcript, for designation and preparation of the record on appeal, and for filing briefs. If issues other than sentencing are raised by this appeal, the court will decide whether bifurcation of this appeal is desirable.

VI. INDICATE WHETHER ORAL ARGUMENT IS DESIRED IN THIS APPEAL. IF SO, WHY IN YOUR OPINION SHOULD ARGUMENT BE HEARD? _____

VII. ATTORNEY OR APPELLANT (IF PRO SE) FILING DOCKETING STATEMENT

Name: _____ Telephone: _____

Firm: _____

Address: _____

This Docketing Statement is filed on behalf of:
appellant/petitioner or cross-appellant (check one).

This Docketing Statement is signed by:
appellant/petitioner(pro se) or an attorney (check
one).

If the Docketing Statement is filed by an attorney, the attorney
is retained or employed by a government entity , Court-
appointed , or Federal Public Defender? (check one.)

Signature

Date

Please Note:

A copy of the court or agency docket entries, the final judgment or order appealed from, any pertinent findings and conclusions, opinions, or orders, any motion filed under Fed. R. Civ. P. 50(b), 52(b), 59, including any motion for reconsideration, an the dispositive order, any motion for extension of time to file notice of appeal and the dispositive order, and the notice of appeal or petition for review must be attached to all copies of the Docketing Statement, except as otherwise provided in Section 1 of the instructions.

This Docketing Statement must be accompanied by proof of service.

Certificate of Service

I, _____, (appellant/petitioner or attorney therefor) hereby certify that on _____, I mailed a copy of the foregoing Docketing Statement by United States mail to _____

(appelle/respondent or attorney therefore) at _____

the last know address.

Dated _____, ____ .

Signature

Address