

IMPORTANT INFORMATION FOR ALL PARTIES PROCEEDING WITHOUT AN ATTORNEY IN THE EIGHTH CIRCUIT

Court Address:
Eighth Circuit Court of Appeals
Thomas F. Eagleton U.S. Courthouse
111 S. 10th Street, Suite 24.329
St. Louis, MO 63102

General Information:

- Your appeal will be assigned a Court of Appeals case number. You must include this number on all correspondence and filings you send to this Court and to opposing counsel.
- You must keep a copy for your personal records of all documents you send to this Court.
- Your documents must be legible – either typed or written. If the Court cannot read your documents, the Court cannot process them or address your requests.
- If you move or your mailing address changes, it is your responsibility to notify the Court in writing immediately. If you do not, you could miss important notices from the Court with deadlines or decisions. Missing a filing deadline may cause your case to be dismissed.
- As a pro se party, you are not required to file documents electronically using the Court's Case Management/Electronic Case Filing (CM/ECF) system. If you are not incarcerated and you have regular access to a reliable internet connection as well as a computer that meets the hardware and software requirements, you may register to be an Appellate CM/ECF filer. You will find information about the technical requirements for electronic filing on the Court's website (www.ca8.uscourts.gov) under Document Filing (CM/ECF) - FAQ's. You must register as an electronic filer before you will be able to file documents electronically. The website contains links to register with the Pacer Service Center. If you register as a CM/ECF filer, you will receive all your notices from the Court electronically and not through the mail.

Case Opening:

- **Case Docketing:** After your appeal is docketed, you will receive a docketing letter stating your case number and indicating what the next steps are in the appeal process. If the court needs to review the case initially, you may not receive a scheduling order with the initial letter. Read the letter carefully, as it contains important information. There will also be attached a sample of the case caption and a list of the parties in the case. If there are errors, you should contact the clerk's office at the above address.

- **Filing Fee:** You must pay your \$455.00 filing fee in the originating court (for example, the district court), or ask that the fee be waived (called “proceeding in forma pauperis”). You must first ask the district court to rule on your request to proceed without prepayment of the fees. If the district court has denied your request, you may file a motion for leave to proceed in forma pauperis in this court. A form may be provided to you or you may find a form on the court’s website under the Forms link. If your motion to proceed in forma pauperis is denied and you do not pay the fees, your case will be dismissed.

Briefing:

- **Opening brief:** You must submit your opening brief (Appellant brief) by the date stated on the briefing schedule. Do not file an opening brief until after the court issues its order with a due date for the opening brief. A paper brief may not exceed 30 pages, unless the brief complies with the word/line limitations set forth in Fed. R. App. P. 32(a)(7)(B) and (C). In general, the brief should contain:
 - Your Case number
 - A statement of the facts of your case.
 - What the originating court decided.
 - The issues in your appeal.
 - The legal arguments you wish to present.
 - A statement of what you want this Court to do and why.
 - Your signature.
 - A certificate of the date you placed the brief in the mail.
- **Extensions of time:** If you need an extension of time to file your brief, you must request an extension in writing and state your reason. Your request may be in the form of a motion or by letter to the Clerk of Court.
- **Record on Appeal:** In all pro se appeals, the parties do not need to prepare an appendix under 8th Cir R. 30A(b). Pursuant to 8th Cir. R. 30A(a), the court will review the electronic version of the record. This court will direct the clerk of the district court to forward to this court any portions of the original record that is not available electronically on the district court docket sheet, such as documentary exhibits, administrative records, and state court files.
- **Transcripts:** Unless you are proceeding in forma pauperis, you must order and pay for any necessary transcripts. The entry of our order taking the case on the original file of the district court does not relieve you of the duty to provide this court with a complete trial transcript per Fed. R. App. P. 10(b). You must contact the court reporter and pay for the transcript. The court report will file the transcript in the district court and the district court will forward the transcript to this court. The scheduling order you receive when the case is docketed will contain the deadline for requesting the transcript. If you are proceeding in forma pauperis in a civil case and you cannot afford the transcript, you

must file a motion in this court requesting a transcript at government expense. It will be necessary to tell the court why you need the transcript to decide your case.

- **Reply brief:** If you wish to respond to your opponent's brief, you may file a Reply Brief. The reply brief must be placed in the mail within 14 days of the date your opponent served you with the brief.
- **Habeas cases:** If you are an appellant in an appeal from an action filed pursuant to 28 U.S.C. § 2254 or § 2255, you must first obtain a certificate of appealability regarding any issues you want to raise in your brief. If the district court denied a certificate of appealability, you must request a certificate of appealability from this court. A timely notice of appeal will be considered a request for a certificate of appealability in this court.

Decision:

- **Consideration of the briefs:** After the briefs have been filed in the case, the case will be decided by a panel of three judges.
- **Decision before briefing is complete:** In some cases, the judges may decide a case before the completion of briefing.
- **Final decision:** When the judges decide your case, you will receive a written decision in an opinion or a written judgment without a separate opinion.
- **Petition for rehearing by the panel or en banc:** If your case is decided against you and you think the court's decision was wrong, you may file a petition for rehearing by the panel in this court within 14 days of the entry of judgment (or 45 days when it is a civil case and one of the parties is the federal government, federal employee or federal agency). If you believe the decision conflicts with other Eighth Circuit law or Supreme Court decision, or involves a decision of exceptional importance, you may file a petition for rehearing en banc within the same time limits as a petition for rehearing by the panel. The rehearing en banc petition will be sent to all active judges on the court. A majority of the active judges must vote to grant the rehearing petition before the case is reheard.
- **Supreme Court review:** After this court denies your petition for rehearing by the panel or rehearing en banc, you may file a petition for writ of certiorari in the Supreme Court of the United States in Washington, D.C. You must file your petition within 90 days of this court's order ruling on your petition for rehearing with the Clerk of the Supreme Court. This court will not forward your petition for writ of certiorari to the Supreme Court. You need not file a petition for rehearing to file a petition for writ of certiorari in the Supreme Court. If no petition for rehearing is filed, your deadline is 90 days from the date of this court's judgment.