

**At a Stated Term of the United States Court of Appeals for the
Second Circuit, held at the Thurgood Marshall United States Courthouse,
40 Foley Square, in the City of New York, on the 14th day of December,
Two Thousand Twenty-three,**

PRESENT: Debra Ann Livingston,
Chief Judge
Raymond J. Lohier
Richard J. Sullivan
Joseph F. Bianco
Michael H. Park
William J. Nardini
Steven J. Menashi
Eunice C. Lee
Beth Robinson
Myrna Pérez
Alison J. Nathan
Sarah A. L. Merriam
Maria Araújo Kahn,
Circuit Judges

IT IS HEREBY ORDERED, that the Local Rules of the United States Court of Appeals for the Second Circuit, are amended, effective immediately, and proposed for public comment pursuant to 28 U.S.C. § 2071(b) and Fed. R. App. P. 47(a)(1). The Clerk of Court shall receive comments submitted by January 13, 2024. Anyone wishing to comment should do so, in writing, addressed to:

Catherine O'Hagan Wolfe
Clerk of Court
United States Court of Appeals
40 Foley Square
New York, New York 10007
or

Email: rulescomments@ca2.uscourts.gov

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Local Rule 25.1 ~~Case Management~~/Electronic Case Filing (CM/ECF)

(a) Definitions and Scope.

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(2) Scope. This rule applies to all appeals filed on or after January 1, 2010. (~~i.e., appeals with a docket number beginning with “10” or higher).~~)

(b) Registration.

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(3) Pro se parties. A pro se party who wishes to file electronically must seek permission from the court by filing the court’s CM/ECF Pro Se Electronic Filing User Request Form available on the court’s website. A pro se party must register as a Filing User with PACER as soon as practicable after receiving permission.

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(c) Electronic Filing Requirements.

(1) Documents Other than Initiating Documents. A Filing User must file every document, other than an initiating document, electronically in PDF in accordance with the ~~CM/ECF~~ instructions posted on the court’s website.

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(d) Timing of Electronic Filing.

(1) Documents Filed Electronically ~~in CM/ECF~~. A document filed electronically ~~in CM/ECF~~ is considered filed as of the date and time indicated on the notice of docket activity (“NDA”) that the court automatically generates following the filing transmission.

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(h) Service.

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(2) Documents Filed Electronically ~~in CM/ECF~~. A document filed electronically ~~in CM/ECF~~ is considered served upon another Filing User when that Filing User receives the NDA. A Filing User satisfies FRAP 25(d)’s proof of service requirements by completing the “service” section ~~in CM/ECF~~ when electronically filing a document.

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Local Rule 35.1 En Banc Procedure

(a) Form of Petition. If a party is simultaneously filing a petition for panel rehearing and a petition for rehearing en banc, both requests must be made in a single document.

(b) Time to File in a Direct Criminal Appeal. A petition for rehearing en banc, whether or not filed as a single document with a petition for panel rehearing, may be filed within 45 days after entry of judgment.

(b c) Copy of Opinion or Summary Order Required. A petition for rehearing en banc, or a combined petition for panel rehearing and for rehearing en banc, must include a copy of the opinion or summary order to which the petition relates, and must not include any other documents.

(e d) Number of Paper Copies. If a petition for rehearing en banc exceeds 50 pages, the petitioner must submit 15 paper copies to the clerk’s office.

(d e) Procedure After Amendment of Court Ruling. If the court substantively amends its opinion or summary order, a petition (or an amended petition) for rehearing en banc may be filed within the time specified by FRAP 35(c), counted from the date of filing of the amended opinion or order. A petition for rehearing en banc filed before amendment of the court’s ruling may, but need not, be amended.

(e f) Sanctions. The court may, after affording notice and an opportunity to be heard, impose sanctions against a party that files a frivolous petition for rehearing en banc.

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Local Rule 40.1 Panel Rehearing Procedure

(a) Time to File in a Direct Criminal Appeal. A petition for panel rehearing may be filed within 45 days after entry of judgment.

(b c) Number of Paper Copies. If a petition for panel rehearing exceeds 50 pages, the petitioner must submit 3 paper copies of the petition to the clerk’s office. If the petition for panel rehearing is simultaneously filed with a petition for rehearing en banc, the petitioner must submit the number of copies required by LR 35.1(c).

(e d) Procedure After Amendment of Court Ruling. If the court substantively amends its opinion or summary order, a petition (or an amended petition) for panel rehearing may be filed within the times specified by FRAP 40(a)(1), counted from the date of filing of the amended opinion or order. A petition for panel rehearing filed before amendment of the court’s ruling may, but need not, be amended.

(d e) Sanctions. The court may, after affording notice and an opportunity to be heard, impose sanctions against a party that files a frivolous petition for panel rehearing.

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Local Rule 46.1 Attorney Admission

(a) Admission Requirements; Procedures

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(3) Submission of Admission or Renewal Application. An attorney must submit an admission or renewal application electronically in PDF in accordance with the ~~CM/ECF~~ instructions posted on the Court's website.

(A) Registration in ~~CM/ECF~~. Prior to submitting an admission application, an attorney must register as a Filing User in the court's electronic filing system. ~~CM/ECF.~~

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FOR THE COURT

s/s
Catherine O'Hagan Wolfe
Clerk of Court

New York, NY

Underline – material added

Strikethrough – material deleted