

APPENDIX A

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-7016**September Term, 2025****1:23-cv-03485-UNA****Filed On: November 26, 2025**

Deon D. Colvin,

Appellant

v.

District of Columbia Court of Appeals, et al.,

Appellees

BEFORE: Henderson, Wilkins, and Pan, Circuit Judges**ORDER**

Upon consideration of the motion to clarify the court's July 17, 2025 order and the errata thereto, it is

ORDERED, on the court's own motion, that this case be dismissed. See D.C. Cir. Rule 38. Appellant was cautioned that repetitious submissions or failure to comply with the court's orders and rules may result in sanctions, potentially including but not limited to dismissal of the appeal. Appellant's motion to clarify repeats his prior arguments concerning the accuracy of the district court record, despite being directed to raise those arguments in his brief. To date, appellant has not filed a brief and instead continues to file repetitious submissions.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam**FOR THE COURT:**
Clifton B. Cislak, ClerkBY: /s/
Selena R. Gancasz
Deputy Clerk

APPENDIX B

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-cv-03485-UNA**

COLVIN v. DISTRICT OF COLUMBIA COURT OF APPEALS et al
Assigned to: Unassigned
Case in other court: USCA, 24-07016
Cause: 42:1983 Civil Rights Act
Date Filed: 11/20/2023
Date Terminated: 01/08/2024
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

DEON D. COLVIN

represented by **DEON D. COLVIN**
743 Fairmont St. NW
Apt. 211
Washington, DC 20001
PRO SE

V.

Defendant

DISTRICT OF COLUMBIA COURT OF APPEALS

Defendant

JOSHUA A. DEAHL
Assoc. Judge

Defendant

ROY W. MCLEESE
Assoc. Judge

Defendant

CATHARINE F. EASTERLY
Assoc. Judge

Date Filed	#	Docket Text
11/20/2023		Initiating Pleading & IFP Application Received on 11/20/2023. A copy of the docket sheet has been mailed to the address of record for the pro se party. (zrtw) (Entered: 12/05/2023)
11/20/2023	<u>1</u>	COMPLAINT against JOSHUA A. DEAHL, DISTRICT OF COLUMBIA COURT OF APPEALS, CATHARINE F. EASTERLY, ROY W. MCLEESE with Jury Demand filed by

		DEON D. COLVIN. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(zrtw) (Attachment 1 replaced on 1/25/2024) (zrtw). (Entered: 12/05/2023)
11/20/2023	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by DEON D. COLVIN. (Attachments: # <u>1</u> Exhibit)(zrtw) (Attachment 1 replaced on 1/25/2024) (zrtw). (Entered: 12/05/2023)
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01/08/2024	<u>4</u>	MEMORANDUM AND OPINION. Signed by Judge Christopher R. Cooper on 1/8/2024. (zrtw) (Entered: 01/16/2024)
01/08/2024	<u>5</u>	ORDER DISMISSING PRO SE CASE WITH PREJUDICE. Ordered that the application of the plaintiff to proceed in forma pauperis is granted and the initial IFP motion is denied. This is a final appealable Order. Pro Se party has been notified by first class mail. Signed by Judge Christopher R. Cooper on 1/8/2024. (zrtw) (Entered: 01/16/2024)
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03/13/2024	<u>12</u>	AMENDED MOTION for Leave to Proceed in forma pauperis by DEON D. COLVIN. "Leave to file GRANTED.The Clerk of Court is hereby DIRECTED to docket this submission as an 'Amended Application for Leave to Proceed IFP on Appeal.'" Signed by Judge Randolph D. Moss on 3/13/2024 (zcb) (Entered: 03/19/2024)
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03/13/2024	<u>14</u>	NOTICE OF LATE SERVICE OF JANUARY 8TH ORDER 7 EFFECTS by DEON D. COLVIN. "Leave to file GRANTED.The Clerk of Court is hereby DIRECTED to docket this



APPENDIX C

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-7016

September Term, 2024

1:23-cv-03485-UNA

Filed On: July 17, 2025

Deon D. Colvin,

Appellant

v.

District of Columbia Court of Appeals, et al.,

Appellees

BEFORE: Srinivasan, Chief Judge, and Henderson, Millett, Pillard, Wilkins, Katsas, Rao, Walker, Childs, Pan, and Garcia, Circuit Judges

ORDER

Upon consideration of the petition for rehearing en banc, which is construed as a motion for reconsideration en banc; the errata thereto; and the motion objecting to the classification of appellant's filing, it is

ORDERED that the motion objecting to the classification of appellant's filing be denied. Appellant seeks en banc review of a special panel's disposition of a non-dispositive motion. Such filings are properly construed as motions for reconsideration en banc. See D.C. Circuit Handbook of Practice and Internal Procedures 32 (2024). It is

FURTHER ORDERED that the motion for reconsideration en banc be denied. Appellant has not demonstrated that reconsideration is warranted. Appellant may include arguments concerning this court's jurisdiction or the accuracy of the district court record in his brief. Appellant is cautioned that repetitious submissions or failure to comply with the court's orders and rules may result in sanctions, potentially including but not limited to the dismissal of the appeal. See D.C. Cir. Rule 38. It is

FURTHER ORDERED that the following revised briefing schedule will now apply in this case:

Appellant's Brief

September 5, 2025

Appendix

September 5, 2025

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-7016

September Term, 2024

Failure to comply with this order may result in dismissal of the appeal for lack of prosecution. See D.C. Cir. Rule 38.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Selena R. Gancasz

Deputy Clerk

APPENDIX D

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-7016

September Term, 2025

1:23-cv-03485-UNA

Filed On: December 12, 2025

Deon D. Colvin,

Appellant

v.

District of Columbia Court of Appeals, et al.,

Appellees

BEFORE: Henderson, Wilkins, and Pan, Circuit Judges

ORDER

Upon consideration of appellant's motion for extension of time to file a petition for panel rehearing and rehearing en banc, styled as a motion for extension of time to respond to the November 26, 2025, order, it is

ORDERED that the motion be denied. Any petition for rehearing is due by December 26, 2025. See Fed. Cir. Rule 40(a).

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

APPENDIX E

APPEAL,CLOSED,IFP,JURY,PROSE-NP,TYPE-F

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Internal Use Only**

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Case in other court: USCA, 24-07016

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DEON D. COLVIN

represented by **DEON D. COLVIN**

743 Fairmont St. NW

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Washington, DC 20001

PRO SE

V.

Defendant

DISTRICT OF COLUMBIA COURT OF APPEALS

Defendant

JOSHUA A. DEAHL

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03/13/2024	<u>14</u>	

		NOTICE OF LATE SERVICE OF JANUARY 8TH ORDER 7 EFFECTS by DEON D. COLVIN. "Leave to file GRANTED. The Clerk of Court is hereby DIRECTED to docket this submission as a 'Notice.'" Signed by Just Randolph D. Moss on 3/13/2024. (zcb) Modified date filed on 4/11/2024 (znmw). (Entered: 03/19/2024)
03/13/2024	<u>15</u>	LEAVE TO FILE DENIED- DEON D. COLVIN; Motion to Strike Pleading. This document is unavailable as the Court denied its filing. Pro Se party has been notified by first class mail. "Leave to file DENIED. This matter was dismissed with prejudice on 1/8/24, and moreover, it is now pending on appeal, therefore, this Court is want of jurisdiction." Signed by Judge Randolph D. Moss on 03/13/2024. (zcb) (Entered: 03/19/2024)
03/20/2024	<u>16</u>	ORDER of USCA as to <u>7</u> Notice of Appeal to DC Circuit Court filed by DEON D. COLVIN ; holding case in abeyance pending decision in district court. USCA Case Number 24-7016. (znmw) (Entered: 03/20/2024)
04/25/2024	<u>17</u>	ORDER denying <u>8</u> Motion for Leave to Proceed in forma pauperis; denying <u>10</u> Motion to Alter Judgment; denying <u>10</u> Motion to Amend/Correct; granting <u>12</u> Motion for Leave to Proceed in forma pauperis; denying <u>13</u> Motion to Alter Judgment; denying <u>13</u> Motion to Amend/Correct. Signed by Judge Tanya S. Chutkan on 4/25/2024. (znmw) (Entered: 05/06/2024)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
DEON D. COLVIN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:23-cv-03485 (UNA)
)	
DISTRICT OF COLUMBIA)	
COURT OF APPEALS,)	
)	
Defendant.)	
_____)	

ORDER

This matter was dismissed with prejudice on January 16, 2024. *See* Memorandum Opinion (“Mem. Op.”), ECF No. 4; Order, ECF No. 5. The dismissing court found that plaintiff, who sued the D.C. Court of Appeals (“DCCA”) and three of its associate judges for alleged constitutional violations arising from the DCCA’s affirmance of dismissal orders issued by the Superior Court of the District of Columbia, failed to establish subject matter jurisdiction and had improperly attempted to sue immune defendants. *See* Mem. Op. at 2–3.

On February 5, 2024, plaintiff filed his first motion to alter or amend judgment and to amend his complaint (“Mot. I”), ECF No. 13, on February 8, 2024, he filed a second motion to alter or amend judgment, to amend his complaint, and renewed his request for leave to proceed *in forma pauperis* (“IFP”) on appeal, ECF No. 12, and on February 16, 2024, he filed a third motion to alter or amend judgment and to amend his complaint (“Mot. III”), ECF No. 10. These motions, requesting to reinstate this case, are largely the same; the second and third motions purport to add case law and resolve grammatical and formatting errors. *See* Mot. II at 1 n.1.; Mot. III at 1 n.1.

Because the first two motions were submitted within 28 days of the entry of dismissal, the court will construe them pursuant to Federal Rule 59(e). *See* Mot. I at 1; Mot. II at 1. The third motion was submitted outside of 28 days, *see* Mot. III at 1; therefore, the court will construe that motion pursuant to Federal Rule 60(b). However, under any legal standard, plaintiff has failed to identify a basis to vacate the dismissal of this matter.

Motions submitted pursuant Federal Rule 59(e) need not be granted “unless the district court finds that there is an intervening change of controlling law, the availability of new evidence or the need to correct a clear error or prevent manifest injustice.” *See Firestone v. Firestone*, 76 F.3d 1205, 1208 (D.C. Cir. 1996). Similarly, the decision to grant or deny a motion submitted pursuant to Federal Rule 60(b) is committed to the discretion of the District Court. *Kareem v. FDIC*, 811 F. Supp. 2d 279, 282 (D.D.C. 2011) (quoting *United Mine Workers of Am. 1974 Pension v. Pittston Co.*, 984 F.2d 469, 476 (D.C. Cir. 1993)). Moreover, motions for reconsideration are generally “disfavored” and “granting . . . such a motion is . . . an unusual measure [.]” *Cornish v. Dudas*, 813 F. Supp. 2d 147, 148 (D.D.C. 2011) (internal quotation marks omitted) (citing *Kittner v. Gates*, 783 F. Supp. 2d 170, 172 (D.D.C. 2011)); *see also Wright v. FBI*, 598 F. Supp. 2d 76, 77 (D.D.C. 2009).

First, in his motions, plaintiff largely reiterates the same allegations and arguments contained in his deficient complaint, ECF No. 1, and the complaint’s amendment, ECF No. 6. *See* Mot. I at 3–8; Mot. I’s Exhibits 1–6; Mot. II at 3–8; Mot. II’s Exhibits 1–6; Mot. III at 2–6; Mot. III’s Exhibits 1–6, ECF No. 10-1. But “a motion for reconsideration must address new evidence or errors of law or fact and cannot merely reargue previous factual and legal assertions.” *Mississippi Ass'n of Cooperatives v. Farmers Home Admin.*, 139 F.R.D. 542, 546 (D.D.C. 1991).

Second, as far as it can be understood, plaintiff contends that, even if the associate judges are immune from suit, he can still sue the DCCA for damages. *See* Mot. I at 1–2; Mot. II at 1–2. He is mistaken, however, because the DCCA is *non sui juris*. *See Kundrat v. Dist. of Columbia*, 106 F. Supp. 2d 1, 6 (D.D.C. 2000) (citing *Thompson v. Dist. of Columbia*, No. 79-2903, 1980 WL 123, at *2 (D.D.C. 1980), *aff'd*, 672 F.2d 897, D.C. Cir. 1981)).

Third, the remainder of plaintiff's motions consist of profound misinterpretations of various legal principles, conveniently misapplied in an attempt to circumvent the insurmountable tenets of judicial immunity and the *Rooker-Feldman* doctrine. *See* Mot. I at 3–8; Mot. II at 3–8; Mot. III at 2–6.

Finally, plaintiff's requests for leave to amend, predicated on these same unpersuasive arguments, *see* Mot. I at 8–9; Mot. II at 8–9; Mot. III at 6, will not be granted. Plaintiff's first problem is that this matter has already been dismissed, and he cannot raise new claims, issues, or allegations, as part of a motion for reconsideration. *Foo v. Tillerson*, 288 F. Supp. 3d 144, 148 (D.D.C. 2014) (collecting cases), *appeal dismissed sub nom. Foo v. Pompeo*, No. 80-1782, 2018 WL 4610734, (D.C. Cir. Aug. 31, 2018). Even if plaintiff could plausibly amend his complaint at this juncture, leave would still not be granted, because any such amendment would be futile. *See Richardson v. United States*, 193 F.3d 545, 548–49 (D.C. Cir. 1999) (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)).

Accordingly, it is hereby

ORDERED that plaintiff's first motion to alter or amend judgment and to amend his complaint, ECF No. 13, and third motion to alter or amend judgment and to amend his complaint, ECF No. 10, are both **DENIED**, and it is further

ORDERED that plaintiff's second motion to alter or amend judgment and to amend his complaint, ECF No. 12, is **DENIED**, with the sole exception of his renewed request to proceed IFP on appeal, which is **GRANTED**, and it is further

ORDERED that plaintiff's original motion to proceed IFP on appeal, ECF No. 8, is **DENIED** as moot.

The Clerk for the United States District Court for the District of Columbia is **DIRECTED** to promptly notify the United States Court of Appeals for the District of Columbia Circuit regarding this disposition.

SO ORDERED.

Date: April 25, 2024

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge

APPENDIX H

APPEAL,CLOSED,IFP,JURY,PROSE-NP,TYPE-F

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Date Filed: 11/20/2023

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Jury Demand: Plaintiff

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: U.S. Government Defendant

Plaintiff

DEON D. COLVIN

represented by **DEON D. COLVIN**

743 Fairmont St. NW

Apt. 211

Washington, DC 20001

PRO SE

V.

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DISTRICT OF COLUMBIA COURT OF APPEALS

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02/26/2024	<u>11</u>	LEAVE TO FILE DENIED- Deon D. Colvin; second motion to strike pleading. This document is unavailable as the Court denied its filing. Pro Se party has been notified by first class mail. "Leave to file DENIED. Case dismissed and closed 1/8/2024 and is on appeal to the D.C. Circuit." Signed by Judge Rudolph Contreras on 02/26/2024. (zcb) Modified date filed on 4/11/2024 (znmw). (Entered: 03/19/2024)
03/13/2024	<u>14</u>	

		NOTICE OF LATE SERVICE OF JANUARY 8TH ORDER 7 EFFECTS by DEON D. COLVIN. "Leave to file GRANTED. The Clerk of Court is hereby DIRECTED to docket this submission as a 'Notice.'" Signed by Just Randolph D. Moss on 3/13/2024. (zcb) Modified date filed on 4/11/2024 (znmw). (Entered: 03/19/2024)
03/13/2024	<u>15</u>	LEAVE TO FILE DENIED— DEON D. COLVIN; Motion to Strike Pleading. This document is unavailable as the Court denied its filing. Pro Se party has been notified by first class mail. "Leave to file DENIED. This matter was dismissed with prejudice on 1/8/24, and moreover, it is now pending on appeal, therefore, this Court is want of jurisdiction." Signed by Judge Randolph D. Moss on 03/13/2024. (zcb) (Entered: 03/19/2024)
03/20/2024	<u>16</u>	ORDER of USCA as to <u>7</u> Notice of Appeal to DC Circuit Court filed by DEON D. COLVIN ; holding case in abeyance pending decision in district court. USCA Case Number 24-7016. (znmw) (Entered: 03/20/2024)
04/25/2024	<u>17</u>	ORDER denying <u>8</u> Motion for Leave to Proceed in forma pauperis; denying <u>10</u> Motion to Alter Judgment; denying <u>10</u> Motion to Amend/Correct; granting <u>12</u> Motion for Leave to Proceed in forma pauperis; denying <u>13</u> Motion to Alter Judgment; denying <u>13</u> Motion to Amend/Correct. Signed by Judge Tanya S. Chutkan on 4/25/2024. (znmw) (Entered: 05/06/2024)
05/06/2024	<u>18</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>17</u> Order on Motion for Leave to Proceed in forma pauperis, Order on Motion to Alter Judgment, Order on Motion to Amend/Correct; USCA Case Number 24-7016. (znmw) (Entered: 05/06/2024)
05/07/2024	<u>19</u>	LEAVE TO FILE DENIED— Plaintiff's Motion for Clarification. This document is unavailable as the Court denied its filing. Pro Se party has been notified by first class mail. "Leave to file DENIED. This matter was dismissed with prejudice on 1/8/2024, and moreover, it is now pending on appeal, therefore, this Court is want of jurisdiction." Signed by Judge Amit P. Mehta on 5/7/2024. (znmw) (Entered: 05/09/2024)
05/07/2024	<u>20</u>	LEAVE TO FILE DENIED— Plaintiff's Motion to Separate Filings. This document is unavailable as the Court denied its filing. Pro Se party has been notified by first class mail. "Leave to file DENIED. This matter was dismissed with prejudice on 1/8/2024, and moreover, it is now pending on appeal, therefore, this Court is want of jurisdiction." Signed by Judge Amit P. Mehta on 5/7/2024. (znmw) (Entered: 05/09/2024)
05/07/2024	<u>21</u>	LEAVE TO FILE DENIED— Plaintiff's Motion to File Corrected Proposed Order. This document is unavailable as the Court denied its filing. Pro Se party has been notified by first class mail. "Leave to file DENIED. This matter was dismissed with prejudice on 1/8/2024, and moreover, it is now pending on appeal, therefore, this Court is want of jurisdiction." Signed by Judge Amit P. Mehta on 5/7/2024. (znmw) (Entered: 05/09/2024)
05/07/2024	<u>22</u>	LEAVE TO FILE DENIED— Plaintiff's Motion for Relief from Orders. This document is unavailable as the Court denied its filing. Pro Se party has been notified by first class mail. "Leave to file DENIED. This matter was dismissed with prejudice on 1/8/2024, and moreover, it is now pending on appeal, therefore, this Court is want of jurisdiction." Signed by Judge Amit P. Mehta on 5/7/2024. (znmw) (Entered: 05/09/2024)
06/05/2024	<u>23</u>	Amended NOTICE OF APPEAL re appeal <u>7</u> by DEON D. COLVIN. (znmw) (Entered: 07/26/2024)

APPENDIX N

FEDERAL RULES
OF
CIVIL PROCEDURE

DECEMBER 1, 2024



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of
THE COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

(b) **PLACE FOR TRIAL AND OTHER PROCEEDINGS.** Every trial on the merits must be conducted in open court and, so far as convenient, in a regular courtroom. Any other act or proceeding may be done or conducted by a judge in chambers, without the attendance of the clerk or other court official, and anywhere inside or outside the district. But no hearing—other than one *ex parte*—may be conducted outside the district unless all the affected parties consent.

(c) **CLERK'S OFFICE HOURS; CLERK'S ORDERS.**

(1) *Hours.* The clerk's office—with a clerk or deputy on duty—must be open during business hours every day except Saturdays, Sundays, and legal holidays. But a court may, by local rule or order, require that the office be open for specified hours on Saturday or a particular legal holiday other than one listed in Rule 6(a)(6)(A).

(2) *Orders.* Subject to the court's power to suspend, alter, or rescind the clerk's action for good cause, the clerk may:

(A) issue process;

(B) enter a default;

(C) enter a default judgment under Rule 55(b)(1); and

(D) act on any other matter that does not require the court's action.

(d) **SERVING NOTICE OF AN ORDER OR JUDGMENT.**

(1) *Service.* Immediately after entering an order or judgment, the clerk must serve notice of the entry, as provided in Rule 5(b), on each party who is not in default for failing to appear. The clerk must record the service on the docket. A party also may serve notice of the entry as provided in Rule 5(b).

(2) *Time to Appeal Not Affected by Lack of Notice.* Lack of notice of the entry does not affect the time for appeal or relieve—or authorize the court to relieve—a party for failing to appeal within the time allowed, except as allowed by Federal Rule of Appellate Procedure (4)(a).

(As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 1963, eff. July 1, 1963; Dec. 4, 1967, eff. July 1, 1968; Mar. 1, 1971, eff. July 1, 1971; Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 30, 1991, eff. Dec. 1, 1991; Apr. 23, 2001, eff. Dec. 1, 2001; Apr. 30, 2007, eff. Dec. 1, 2007; Apr. 25, 2014, eff. Dec. 1, 2014.)

Rule 78. Hearing Motions; Submission on Briefs

(a) **PROVIDING A REGULAR SCHEDULE FOR ORAL HEARINGS.** A court may establish regular times and places for oral hearings on motions.

(b) **PROVIDING FOR SUBMISSION ON BRIEFS.** By rule or order, the court may provide for submitting and determining motions on briefs, without oral hearings.

(As amended Mar. 2, 1987, eff. Aug. 1, 1987; Apr. 30, 2007, eff. Dec. 1, 2007.)

Rule 79. Records Kept by the Clerk

(a) **CIVIL DOCKET.**

(1) *In General.* The clerk must keep a record known as the "civil docket" in the form and manner prescribed by the Director of the Administrative Office of the United States

Courts with the approval of the Judicial Conference of the United States. The clerk must enter each civil action in the docket. Actions must be assigned consecutive file numbers, which must be noted in the docket where the first entry of the action is made.

(2) *Items to be Entered.* The following items must be marked with the file number and entered chronologically in the docket:

(A) papers filed with the clerk;

(B) process issued, and proofs of service or other returns showing execution; and

(C) appearances, orders, verdicts, and judgments.

(3) *Contents of Entries; Jury Trial Demanded.* Each entry must briefly show the nature of the paper filed or writ issued, the substance of each proof of service or other return, and the substance and date of entry of each order and judgment. When a jury trial has been properly demanded or ordered, the clerk must enter the word "jury" in the docket.

(b) CIVIL JUDGMENTS AND ORDERS. The clerk must keep a copy of every final judgment and appealable order; of every order affecting title to or a lien on real or personal property; and of any other order that the court directs to be kept. The clerk must keep these in the form and manner prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States.

(c) INDEXES; CALENDARS. Under the court's direction, the clerk must:

(1) keep indexes of the docket and of the judgments and orders described in Rule 79(b); and

(2) prepare calendars of all actions ready for trial, distinguishing jury trials from nonjury trials.

(d) OTHER RECORDS. The clerk must keep any other records required by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States.

(As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949; Jan. 21, 1963, eff. July 1, 1963; Apr. 30, 2007, eff. Dec. 1, 2007.)

Rule 80. Stenographic Transcript as Evidence

If stenographically reported testimony at a hearing or trial is admissible in evidence at a later trial, the testimony may be proved by a transcript certified by the person who reported it.

(As amended Dec. 27, 1946, eff. Mar. 19, 1948; Apr. 30, 2007, eff. Dec. 1, 2007.)

TITLE XI. GENERAL PROVISIONS

Rule 81. Applicability of the Rules in General; Removed Actions

(a) APPLICABILITY TO PARTICULAR PROCEEDINGS.

(1) *Prize Proceedings.* These rules do not apply to prize proceedings in admiralty governed by 10 U.S.C. §§7651-7681.

(2) *Bankruptcy.* These rules apply to bankruptcy proceedings to the extent provided by the Federal Rules of Bankruptcy Procedure.

APPENDIX O

HANDBOOK OF PRACTICE

and

INTERNAL PROCEDURES

UNITED STATES COURT OF APPEALS

for the

DISTRICT OF COLUMBIA CIRCUIT

As Amended Through December 4, 2025

IV. DOCKETING THE APPEAL

A. CASES FROM THE DISTRICT COURT AND THE TAX COURT

1. *Preliminary Record on Appeal and Preparation of Transcripts* (See Fed. R. App. P. 10.)

The preliminary record on appeal, prepared in the district court Clerk's Office or the Tax Court Clerk's Office, consists of the notice of appeal and the district court docket entries. Upon receipt of the preliminary record, a case administrator in this Court's Clerk's Office docketes the appeal, assigns it a number, and gives notice of the filing to all parties by issuing an order scheduling certain submissions. In addition, a case administrator checks to see that the docketing fee has been paid and issues an appropriate order if it has not.

The documents and exhibits filed in the district court; the transcript of proceedings, if any; and the docket entries prepared by the Clerk of the district court, constitute the record on appeal. The parties may correct errors or omissions in the record by stipulation. In the event of a dispute, this Court has the power to require that the record be corrected or amplified, but disputes about the accuracy of the record must first be submitted to the district court.

Within 14 days of filing the notice of appeal in a civil case, or entry of an order disposing of the last timely remaining motion as specified in Federal Rule of Appellate Procedure 4(a)(4)(A), appellants must order from the court reporter a transcript of such parts of the proceedings not already on file that they consider necessary to dispose of the appeal.

Counsel has the responsibility for assuring expeditious preparation of the transcript in a criminal appeal. If any unusual problems arise with the court reporter, they should be brought to this Court's attention immediately. Where the defendant proceeded *in forma pauperis* in the district court, that court, by local practice, requires appointed counsel to order the transcript at the same time as filing the notice of appeal.

Unless the entire transcript is ordered, the appellant must file and serve on the appellee a designation of the parts of the transcript ordered, and a statement of the issues to be presented on appeal. The appellee has 14 days to file and serve a cross-designation of additional parts of the transcript. If the appellant refuses to order the additional portions, appellee should do so, or ask the district court to compel the appellant to comply.

When, as is often the case, a complete transcript has been made during the trial, and it is filed with the Clerk, no designation need be made. The parties, however, must include in the appendix to the briefs only those portions of the transcript that are pertinent to the appeal. Awards of costs and sanctions may be imposed where a party has included unnecessary material in the appendix. See *infra* Part IX.B.

If no transcript is available, the appellant may prepare and file with the district court a statement of the evidence or proceedings based on the best available means, including recollection, and serve it on the appellee. The appellee has 14 days to serve objections or proposed amendments in response. The district court then approves the statement as submitted or amended, and certifies it to this Court as the record on appeal.

As with transcript designations, the parties are encouraged to agree on what exhibits are necessary to resolve the appeal, but in the absence of an agreement they may cross-designate exhibits.

34(j), and emergency matters, presented by the Legal Division. See *infra* Part VIII and Part XI.C.2. The special panel members also are engaged in their regular merits sittings while they serve on the special panel.

The Legal Division circulates to the panel the necessary papers and the recommendations of the staff attorneys regarding the motions that will be presented. The panel may adopt or reject the staff attorney's recommendation, request more research, take the matter under advisement, or refer the motion for disposition to the panel ultimately assigned to hear the case on the merits.

The Court does not publish or disclose in advance the names of the judges on the special panel, nor does it notify counsel or the public of the date on which a particular motion will be considered. The panel does not hear oral argument on motions, except, very rarely, in emergency matters or for extraordinary cause.

Orders of the special panel disposing of motions are usually not published, although in some cases the panel may decide that a published *per curiam* opinion will be useful to establish the law of the Circuit on a particular issue. The unpublished orders reflect the names of the panel members beneath the case caption. The order, or a separate memorandum accompanying the order, will explain the basis for the Court's disposition of the motion.

If a party disagrees with the special panel's disposition of a non-dispositive motion, it may move for reconsideration by the same panel or by the full Court. The Court rarely grants these motions. Petitions for rehearing of orders deciding dispositive motions are addressed in Part XIII.B, *infra*.

E. DISPOSITION BY A MERITS PANEL

Once a case is assigned to a merits panel, everything relating to the case comes under the exclusive control of the panel. All motions filed in the case are submitted to the panel.

When a motion is filed, it is transmitted to the panel with the motions papers, any supporting material, and any memorandum prepared by the Legal Division recommending a disposition. Once the panel members vote on the disposition of the motion, an order is prepared disposing of the motion. The order usually shows the names of the panel members.

F. DISTRIBUTION OF ORDERS

The Clerk's Office files and distributes all orders. When an order or judgment is entered in a case assigned to the Court's electronic filing system, the Clerk's Office electronically transmits a Notice of Docket Activity to all parties who have consented to electronic service, and mails notice and a copy of any opinion or judgment to parties who are not electronic filers. See D.C. Cir. Rules 36(b), 45(d). The Clerk's Office maintains a record of all persons to whom copies of an order are sent.

VIII. SPECIFIC MOTIONS

A. MOTIONS FOR STAY OR EMERGENCY RELIEF

(See Fed. R. App. P. 8, 18; D.C. Cir. Rules 8, 18, 27(e).)

Filing a notice of appeal, or obtaining permission to appeal, generally does not automatically stay the operation of the judgment or order under review. Except in cases involving money judgments against the United States or the District of Columbia, or where the appellant posts a bond or other security in accordance with Federal Rule of Civil Procedure 62(d), the losing party must move to obtain a stay or injunction

**Additional material
from this filing is
available in the
Clerk's Office.**