

**10TH CIR. FORM 1. DOCKETING STATEMENT INSTRUCTIONS AND FORM**

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

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

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**DOCKETING STATEMENT INSTRUCTIONS**

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**PLEASE FOLLOW THE INSTRUCTIONS REGARDING CONTENT,  
ESPECIALLY THE ATTACHMENTS, VERY CAREFULLY.**

**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 sheet which includes entry of the notice of appeal. (In multiple civil appeals arising out of the same or consolidated district court cases, complete copies of the district court docket sheet is 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;

C. All 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, including any motion for reconsideration, and in a criminal appeal, a motion for judgment of acquittal, for arrest of judgment or for a new trial, with the certificate of service and the dispositive order(s);

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 sheet 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 sheet with the entry of the notice of appeal;
- B. The decision appealed;
- C. The judgment appealed; and
- D. The notice of appeal.
- E. If the notice of appeal was filed by mail, proof of the postmark.

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**

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**DOCKETING STATEMENT**

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Case Name: \_\_\_\_\_

Court/Agency Appeal From: \_\_\_\_\_

Court/Agency Docket No. \_\_\_\_\_ District Judge: \_\_\_\_\_

Party or Parties filing Notice of 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 the 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 of the United States a party to this appeal? \_\_\_\_\_

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

Fed.R.App.4 (a)(1) \_\_\_\_\_ Fed. R. App. 4(a)(4) \_\_\_\_\_

Fed. R. App. 4 (a)(2) \_\_\_\_\_ Fed. R. App. 4(a)(5) \_\_\_\_\_

Fed. R. App. 4 (a)(3) \_\_\_\_\_ Fed. R. App. 4(b) \_\_\_\_\_

Other: \_\_\_\_\_

3. Date final judgment or order to be reviewed was filed and entered on the district court docket sheet: \_\_\_\_\_
4. Does the judgment or order to be reviewed dispose of **all** claims by and against **all** parties? *See* Fed. R. Civ. P. 54(b).  
\_\_\_\_\_

**(If the order being appealed is not final, please answer the following questions in this section.)**

- a. If not, did district court direct entry of judgment in accordance with Fed. R. Civ. P. 54(b)? When was this done?  
\_\_\_\_\_  
\_\_\_\_\_
- b. If the judgment or order is not a final disposition, is it appealable under 28 U.S.C. § 1292(a)? \_\_\_\_\_
- c. If none of the above applies, what is the **specific** statutory basis for determining that the judgment or order is appealable? \_\_\_\_\_
5. Tolling Motions. *See* Fed. R. App. P. 4(a)(4); 4(b).
- a. Give the filing date of any motion under Fed. R. Civ. P. 50(b), 52(b), S9, 60, including any motion for reconsideration, and any motion for judgment of acquittal, for arrest of judgment or for new trial, filed in the district court:  
\_\_\_\_\_  
\_\_\_\_\_
- b. Has an order been entered by the district court disposing of that motion, and, if so, when? \_\_\_\_\_  
\_\_\_\_\_
6. Bankruptcy Appeals. (To be completed only in appeals from a judgment, order or decree of a district court in a bankruptcy case or from an order of the Bankruptcy Appellate Panel.)

- 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 was filed: \_\_\_\_\_
- 2. Date of the 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. APPEAL OF TAX COURT DECISION**

- 1. Date notice of appeal was 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 RELATED APPEALS IN THIS COURT WITH APPROPRIATE CITATION(S). If none, please so state.**

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

**IV. ISSUES RAISED ON APPEAL.**

**V. ADDITIONAL INFORMATION IN CRIMINAL APPEALS.**

- A. Was defendant 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 in B is yes, does the defendant also challenge the judgment of conviction? \_\_\_\_\_
- D. Describe the sentence imposed. \_\_\_\_\_  
\_\_\_\_\_
- E. Was the sentence imposed after a plea of guilty? \_\_\_\_\_
- F. Is defendant on probation or at liberty pending appeal? \_\_\_\_\_
- G. If defendant was sentenced to less than one year, and was not placed on probation or is not at liberty pending appeal, does defendant move the court of appeals to expedite this appeal? \_\_\_\_\_

NOTE: In the event expedited review is requested, the defendant 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. Defendant/appellant must refrain from ordering any unnecessary transcript as this will delay the appeal. If the court orders this appeal expedited, it will set a schedule for preparation of necessary transcripts, 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 is desirable.

**VI. INDICATE WHETHER ORAL ARGUMENT IS DESIRED IN THIS APPEAL. If so, please state why.**

**VII. ATTORNEY FILING DOCKETING STATEMENT:**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VIII. PLEASE IDENTIFY ON WHOSE BEHALF THE DOCKETING STATEMENT IS FILED:**

A.  Appellant

Petitioner

Cross-Appellant

B. PLEASE IDENTIFY WHETHER THE FILING COUNSEL IS

Retained Attorney

Court-Appointed

Employed by a government entity  
(please specify \_\_\_\_\_)

Employed by the Office of the Federal Public Defender.

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Signature

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Date

Attorney at Law

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, 60(b), including any motion for reconsideration, for judgment of acquittal, for arrest of judgment, and for new trial, and 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 I of the instructions.

The original and four copies of this Docketing Statement must be filed.

This Docketing Statement must be accompanied by proof of service.

The following Certificate of Service may be used.

CERTIFICATE OF SERVICE

I, \_\_\_\_\_ hereby certify that on  
[appellant/petitioner or attorney therefor]

\_\_\_\_\_ I sent a copy of the foregoing **Docketng Statement**,  
[date]

to:

\_\_\_\_\_ at \_\_\_\_\_  
[appellee/respondent or attorney therefor]

\_\_\_\_\_, the last known address, by  
way of United States mail or courier.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Dated signed

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Printed name and address of  
person completing service]