

## DOCKETING STATEMENT

### INSTRUCTIONS

1. Counsel for appellant must file two copies of a docketing statement with all attachments within fourteen days of filing the notice of appeal for every case appealed or cross-appealed to the court of appeals. The docketing statement must be received by the court of appeals clerk's office within the fourteen days allowed to be deemed timely filed. Copies must be served on the opposing party or parties.
2. The attorney filing the notice of appeal is responsible for filing the docketing statement, even if different counsel will handle the appeal. In the case of multiple appellants represented by separate counsel, the parties must confer and decide who will file the docketing statement. Appellants proceeding pro se may file a docketing statement, but are not required to do so.
3. The docketing statement is not a brief but will be used by the circuit mediator for pre-briefing review of civil cases in which all parties are represented by counsel, and in mediation conducted in such cases under Fourth Circuit Local Rule 33. The nature of proceedings and relief sought should be stated succinctly. The issues should be framed with reference to the specific facts and circumstances of the case. Conclusory statements such as "the judgment of the trial court is not supported by the law or facts" are unacceptable. Although a party will not be precluded from raising additional issues in the brief, counsel should make every effort to include in the docketing statement all of the issues that will be presented to the Court. The docketing statement should not contain motions or other requests for interim relief. If counsel in a civil case believes a mediation conference would be beneficial, counsel may make a confidential request for mediation by contacting the Office of the Circuit Mediator directly at (843) 521-4022.
4. Counsel's failure to file the docketing statement within the time set forth will cause the Court to initiate the process for dismissal of the appeal under Fourth Circuit Local Rule 45.
5. If an opposing party concludes that the docketing statement is in any way inaccurate, incomplete, or misleading, that party should file two copies of any additions or corrections to the docketing statement with the clerk's office within seven days of service of the docketing statement, with copies to all other parties.
6. You must attach to this docketing statement:
  - # ADDITIONAL PAGES CONTAINING EXTENDED ANSWERS TO QUESTIONS ON THIS FORM.
  - # THE NOTICE OF APPEAL.
  - # THE DISTRICT COURT DOCKET SHEET.

- # A COPY OF THE ORDER OR JUDGMENT FROM WHICH THE APPEAL IS TAKEN (in criminal cases, DO NOT attach any confidential sections of the Judgment Order, such as the Statement of Reasons).
- # ANY OPINION OR FINDINGS.
- # ANY OPINION, FINDINGS, OR RECOMMENDATION OF A UNITED STATES MAGISTRATE JUDGE, AN ADMINISTRATIVE LAW JUDGE, A SOCIAL SECURITY APPEALS COUNCIL, OR A BANKRUPTCY COURT.
- # A COPY OF THE TRANSCRIPT ORDER (WITH ATTACHMENTS, IF ANY).
- # A CERTIFICATE OF SERVICE FOR THIS DOCKETING STATEMENT.

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

United States Courthouse  
1100 East Main Street, 5th Floor  
Richmond, Virginia 23219-3517  
(804) 916-2700

**DOCKETING STATEMENT**

**Caption of Case**      **4CCA Docket No.(IF KNOWN)**\_\_\_\_\_

v.

**Type of Action**

- \_\_\_ Civil  
\_\_\_ Criminal/Prisoner  
\_\_\_ Cross Appeal

District\_\_\_\_\_ Judge\_\_\_\_\_ District Court Docket Number\_\_\_\_\_

Statute or other authority establishing jurisdiction in the:

District Court\_\_\_\_\_

Court of Appeals\_\_\_\_\_

**A. Timeliness of Appeal**

1. Date of entry of judgment or order appealed from\_\_\_\_\_
2. Date this notice of appeal filed\_\_\_\_\_
- If cross appeal, date first notice of appeal filed\_\_\_\_\_
3. Filing date of any post-judgment motion filed by any party which tolls time under FRAP 4(a)(4) or 4(b)\_\_\_\_\_
4. Date of entry of order deciding above post-judgment motion\_\_\_\_\_
5. Filing date of any motion to extend time under FRAP 4(a)(5), 4(a)(6) or 4(b)\_\_\_\_\_

\_\_\_\_\_

Time extended to\_\_\_\_\_

**B. Finality of Order or Judgment**

1. Is the order or judgment appealed from a final decision on the merits?  
    [ ] Yes      [ ] No
2. If no,

a.) Did the district court order entry of judgment as to fewer than all claims or all parties pursuant to FRCP 54(b)?  Yes  No

b.) Is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule?  Yes  No

If yes, explain \_\_\_\_\_  
(Criminal only)

3. Has the defendant been convicted?  Yes  No

4. Has a sentence been imposed?  Yes  No Term \_\_\_\_\_

5. Is the defendant incarcerated?  Yes  No

C. Has this case previously been appealed?  Yes  No

If yes, give the case name, docket number and disposition of each prior appeal on a separate page.

D. Based on your present knowledge:

Will this appeal involve a question of first impression?

Yes  No

If yes, please explain briefly on a separate page.

E. Are any related cases or cases raising related issues pending in this Court, any district court of this circuit, or the Supreme Court?  Yes  No

If yes, cite the case and the manner in which it is related on a separate page. If abeyance, consolidation, or in seriatim argument is warranted, counsel must file a separate motion seeking such relief.

If a related case is pending in this Court, has it been accepted for mediation by the Office of the Circuit Mediator?  Yes  No

F. State the nature of the suit, the relief sought, and the outcome below. Attach additional page if necessary.

G. Issues to be raised on appeal. Attach additional page if necessary.

H. Does this appeal challenge the constitutionality of a federal or state statute in a case to which the United States or the affected state is not a party?  Yes  No

If yes, you must give written notice to the circuit clerk for certification of that fact to the United States Attorney General or the state attorney general.

I. Is settlement being discussed?     Yes     No

J. Is expedited disposition of this case necessary?     Yes     No  
If yes, you must file an appropriate motion.

Is oral argument necessary?  
 Yes     No

K. Were there any in-court proceedings below?  Yes     No  
Is a transcript necessary for this appeal?     Yes     No  
If yes, is transcript already on file with district court?  
 Yes     No  
If transcript is not already on file, attach copy of transcript order.

L. List each adverse party to the appeal. If no attorney, give address and telephone number of the adverse party. Attach additional page if necessary.

1. Adverse party\_\_\_\_\_

Attorney\_\_\_\_\_

Address\_\_\_\_\_

\_\_\_\_\_

Telephone\_\_\_\_\_

2. Adverse party\_\_\_\_\_

Attorney\_\_\_\_\_

Address\_\_\_\_\_

\_\_\_\_\_

Telephone\_\_\_\_\_

M. If this case arises out of a bankruptcy proceeding, attach a copy of the caption of the case in the bankruptcy court showing the parties' status as debtor, creditor, trustee, plaintiff, defendant, etc.

N. List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel. Attach additional page if necessary.

Appellant(s) name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

Attorney's name \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

Will you be handling the appeal? (In criminal cases counsel below will handle the appeal unless relieved by this court.)

Yes       No

FRAP 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the court of appeals a statement naming each party represented on appeal by that attorney. Any counsel, other than the attorney filing this form, who filed a notice of appeal must provide the requisite statement to be attached to this form.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**ATTACH:**

1. ADDITIONAL PAGES CONTAINING EXTENDED ANSWERS TO QUESTIONS ON THIS FORM.
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3. THE DISTRICT COURT DOCKET SHEET.
4. A COPY OF THE ORDER OR JUDGMENT FROM WHICH THE APPEAL IS TAKEN (DO NOT attach Statement of Reasons or other confidential sections of Criminal Judgment).
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6. ANY OPINION, FINDINGS, OR RECOMMENDATION OF A UNITED STATES MAGISTRATE JUDGE, AN ADMINISTRATIVE LAW JUDGE, A SOCIAL SECURITY APPEALS COUNCIL, OR A BANKRUPTCY COURT.
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