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**Amendments to the Federal Rules of Appellate Procedure
 for the Ninth Circuit Court of Appeals**
effective, [December 1, 2006](#)

Changes are highlighted.

RULE	TITLE	New or Revised	PURPOSE OF AMENDMENT
FRAP 25(a)(2)(D)	Filing and Service	Revised	Governs electronic filing of documents in the appellate court.
FRAP 32.1	Citing Judicial Disposition	New	This is a new rule addressing the citation of judicial opinions, orders, judgments, or other written dispositions that have been designated by a federal court as “unpublished.”

FRAP 25

FILING AND SERVICE

(a) Filing.

- (1) Filing with the Clerk.** A paper required or permitted to be filed in a court of appeals must be filed with the clerk.
- (2) Filing: Method and Timeliness.**
 - (A) In general.** Filing may be accomplished by mail addressed to the clerk, but filing is not timely unless the clerk receives the papers within the time fixed for filing.

- (B) **A brief or appendix.** A brief or appendix is timely filed, however, if on or before the last day for filing, it is:
- (i) mailed to the clerk by First-Class Mail, or other class of mail that is at least as expeditious, postage prepaid; or
 - (ii) dispatched to a third-party commercial carrier for delivery to the clerk within 3 calendar days.
- (C) **Inmate filing.** A paper filed by an inmate confined in an institution is timely if deposited in the institution's internal mailing system on or before the last day for filing. If an institution has a system designed for legal mail, the inmate must use that system to receive the benefit of this rule. Timely filing may be shown by a declaration in compliance with 28 U.S.C. § 1746 or by a notarized statement, either of which must set forth the date of deposit and state that first-class postage has been prepaid.
- (D) **Electronic filing.** A court of appeals may by local rule permit or require papers to be filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. A local rule may require filing by electronic means only if reasonable exceptions are allowed. A paper filed by electronic means in compliance with a local rule constitutes a written paper for the purpose of applying these rules. *(rev. 12-1-06)*
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FRAP 32.1

CITING JUDICIAL DISPOSITIONS

(a) Citation Permitted.

A court may not prohibit or restrict the citation of federal judicial opinions, orders, judgments, or other written dispositions that have been;

- (i) designated as “unpublished,” “not for publication,” “non-precedential,” “not precedent,” or the like; and
- (ii) issued on or after January 1, 2007.

(b) Copies Required.

If a party cites a federal judicial opinion, order, judgment, or other written disposition that is not available in a publicly accessible electronic database, the party must file and serve a copy of that opinion, order, judgment, or disposition with the brief or other paper in which it is cited.

(New 12-1-06)

(eff. Dec. 1, 2006.)