

Filing in the Second Circuit

Forms and Instructions

Attorney Admissions

Common Questions

Motion Practice

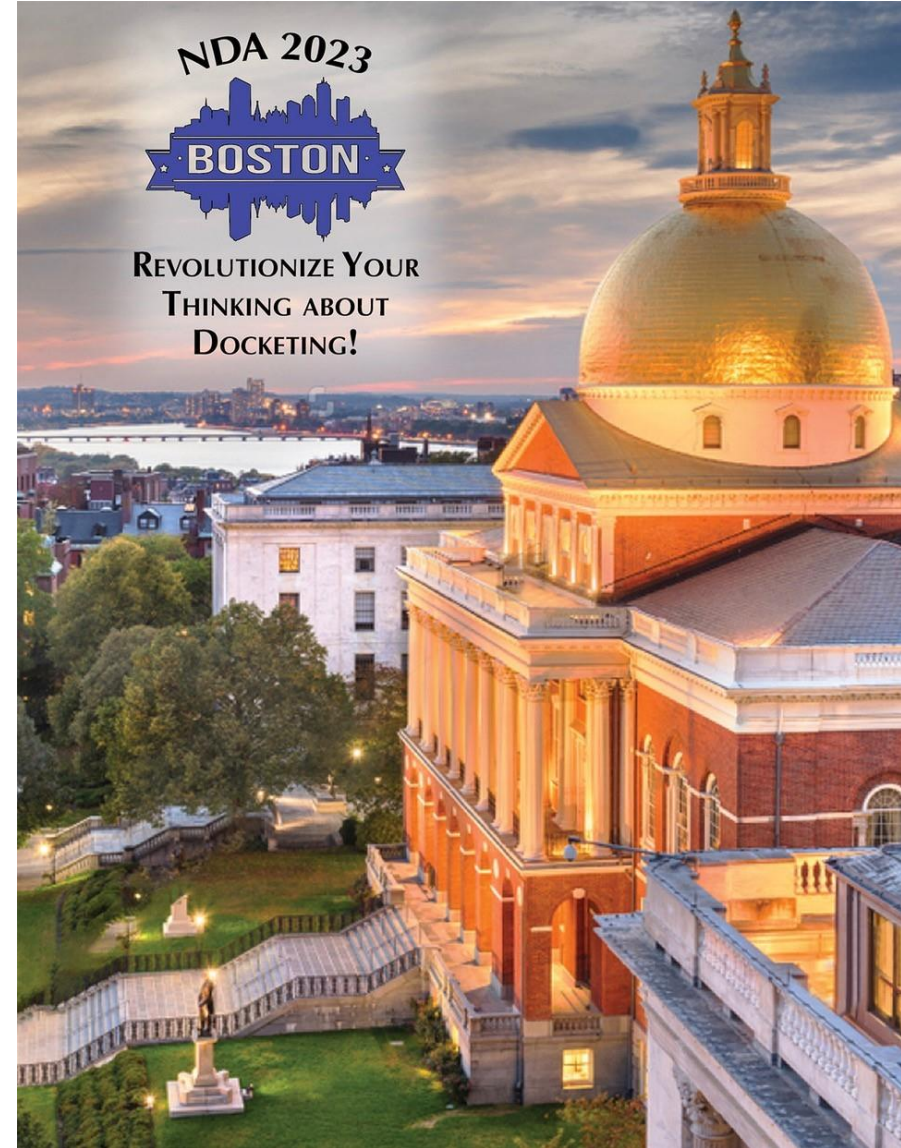
ACMS

Anything else you are interested in

Prepared by Andrew P. Barnes

Chief Deputy Clerk

U.S. Court of Appeals for the Second Circuit



Forms and Instructions



Archive of Audio Oral Arguments

Filing a Document (ACMS)

Filing a Document (CM/ECF)

Forms & Instructions

Livestream Audio of Oral Arguments

PACER

Rules

Appellate Filer Registration

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Employee Rights and Reporting Wrongful Conduct

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Judicial Seminars Disclosure

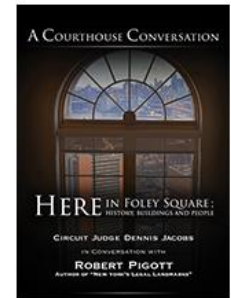


Announcements

October 5, 2023 – Bankruptcy Judgeship Vacancy - The United States Court of Appeals for the Second Circuit invites applications from qualified candidates for a 14-year appointment as United States Bankruptcy Judge for the Southern District of New York in Poughkeepsie, New York. For announcement, please click [here](#). For application, please click [here](#).

September 5, 2023 – Public Announcement - Request for Public Comment on the Reappointment of Federal Public Defender Terence S. Ward for the District of Connecticut. Click [here](#).

September 1, 2023 – ACMS to Expand Operations on October 1, 2023 - On October 1, 2023, the Second Circuit's Appellate Case Management System ("ACMS") will expand operations to all case types. Filings in appeals opened in the Court of Appeals on or after October 1, 2023 must be filed in



Here In Foley Square

Case-Filin

Electronic Filin Information

Overview

How to

Stipulations

Supp

FRAP 42(b) Stipulation for premature appeal

[PDF](#)

Fees

FRAP 42(b) Stipulation with prejudice - all cases

[PDF](#)

[HTML](#)

LR 42.1 Stipulation without prejudice - agency cases

[PDF](#)

LR 42.1 Stipulation without prejudice - civil cases

[PDF](#)

Quick

App Re

Transcripts

Cler

Form B Criminal appeal transcript information

[PDF](#)

[HTML](#)

Deci

Form D Civil appeal transcript information

[PDF](#)

Elec Inst

Form D-P Civil appeal transcript information for pro se

[PDF](#)

Fee

appellants

File a Document (C

Application Pursuant to 28 U.S.C. §§ 2244 (b), 2254

[PDF](#)

Forms and Instructi

(Prisoner in State Custody)

PACER

Service

Rules

Certificate of service

[PDF](#)

[PDF](#)

Update CME/CF Appellate Filer Account

Night depository form

[PDF](#)

[HTML](#)

[PDF](#)

How to appeal a criminal case

[PDF](#)

[HTML](#)

[PDF](#)

Forms and Instructions

The Second Circuit requires filers to submit particular forms based on an action they wish to take. Our relevant local rules are:

L.R. 12.1

L.R. 12.2

L.R. 12.3

L.R. 27.1

L.R. 31.2

L.R. 34.1

From C, Form C/A , Form D – Within 14 days after the filing of a Notice of Appeal or Petition under FRAP 15

Civil Pre-Argument Statement (Form C, C/A)
Transcript Information Form

Form B – Within 14 days after the filing of a Notice of Appeal
Criminal Appeal Transcript Information Form

Acknowledgement & Notice of Appearance – Within 14 days of receiving a docketing notice

Forms and Instructions

The Second Circuit requires filers to submit particular forms based on an action they wish to take. Our relevant local rules are:

L.R. 12.1

L.R. 12.2

L.R. 12.3

L.R. 27.1

L.R. 31.2

L.R. 34.1

Motion Information Statement

T-1080 Form: Motion information statement.
Required for all motions submitted to the court.

Scheduling Notification – Within 14 days of receipt of the Form D or the filing of the Certified Record in a FRAP 15 case

Oral Argument Statement

Within 14 days after the last appellee's brief is filed, each party must file an oral argument statement. Failure to file indicates to the court the parties wish to have the case taken on submission. Only 1 attorney can argue unless the court orders otherwise.

Forms and Instructions

Motion Practice

Filing in General

Remember your T-1080 Form

The Clerk's office takes phone calls where there is an emergent matter. Call your case manager.

Expedited Appeals Calendar ("XAC"): L.R. 31.2(b)

Court will place case on XAC if the judgment dismissing the complaint is pursuant to FRCP 12(b)(1), 12(b)(6), or 28 USC 1915(e)(2)

Opening briefs are due 35 days after order placing appeal on XAC. Responsive briefs due 35 days after opening briefs are filed. Reply briefs may be filed within 14 days of last appellee's brief.

Parties can file a motion to remove a case from the XAC.

Forms and Instructions

Motion Practice

Filing in General

Oral Argument Dates

5 PM in the Second Circuit gives you 6h59m to submit your client's papers.

Filing by mistake will remain a mistake until you contact the Clerk's Office.

Oral Argument Statement
Depends on availability of the parties

Argument in the 2nd Circuit is not guaranteed. The oral argument statement form asks under what circumstances you wish to argue. Counsel that wants oral argument let the court know the dates they are unavailable to argue.

Attorney Admissions

L.R. 46.1 governs attorney admissions

Complete an attorney admission application found on the website. Include your certificate of good standing and a sponsor's affidavit

Admission good for 5 years. If attorney does not renew within 1 month of 5-year expiration, status goes to inactive and loses e-filing rights. After one year, removed from admission role and must re-apply anew

Pro Hac Vice Admission L.R. 46.1(d)

- (a) District Court CJA attorney
- (b) Acting for a party proceeding IFP
- (c) Able to demonstrate exceptional circumstances...for the particular proceeding

Attorney Admissions

L.R. 46.1 governs attorney admissions

NOT ADMITTED?

Our practice is to carry up attorneys who appear below. You will receive a Notice of Docket Activity (NDA). If you are not admitted, you will receive a Notice to Non-Admitted Attorney

Attorneys who appeared in the district court but are not admitted in the Second Circuit will have 30 days to apply for admission

Attorney Discipline

L.R. 46.1 governs attorney admissions

L.R. 46.1 governs attorney discipline and was recently amended effective 12/1/2021

(7) Procedure to Disclose Information to a New York State Attorney Disciplinary Authority. A disciplinary authority of a New York State supreme court appellate division may request, from the Grievance Panel or the Committee, expedited disclosure of confidential records for use by that disciplinary authority in its own investigation or proceeding. The request shall be made in writing and submitted to the Grievance Panel. The request should, to the extent practicable, identify the nature of the pending investigation or proceeding and the specific records sought. The request may also seek deferral of notice of the request for so long as the matter is under investigation or consideration by the appellate division disciplinary authority. Upon receipt of the request, the Grievance Panel may determine the request or take any other action it deems appropriate. Prior to taking such action, the Grievance Panel shall seek the assurance of the appellate division disciplinary authority that any confidential records disclosed to the appellate division disciplinary authority in response to the request shall not be used for any purpose other than the investigation or proceeding pending before the disciplinary authority.

New E-Filing System: ACMS

Joint project between the 2nd and 9th circuits to assist Administrative Office with its case management modernization initiative.

Built on safe, secure MSFT Dynamics Platform

Each filer gets his or her own e-filer portal that lists every case they have ever appeared in

United States Court of Appeals for the Second Circuit
E - F I L E R P O R T A L

Andrew Barnes | Andrew Franquinha

Notice of Appearance | Create New Action | Non-Party Filings

My Cases | My Submitted Cases | My Cases of Interest

Search

Case Number	Case Title	Case Status	Originating Court	Fee Status	Most Recent Activity
23-6755	University v. Garland	Opened	Board of Immigration Appeals	Due	10/19/2023 2:56 PM
23-6443	Johnson v. Warden	Opened	D. Conn. (NEW HAVEN)	Due	10/18/2023 4:15 PM
22-6051	Loman v. Garland	Opened	Board of Immigration Appeals	IFP Pending in USCA	10/18/2023 3:21 PM
23-6763	New Airport v. Galan	Opened	S.D.N.Y. (NEW YORK CITY)	Due	10/17/2023 4:33 PM
23-6760	Lightyear v. Warden1	Opened	D. Conn. (BRIDGEPORT)	Due	10/17/2023 11:48 AM
23-6340	United States of America v. Linguini (Luigi Linguini)	Opened	N.D.N.Y. (ALBANY)	IFP Granted	10/17/2023 11:34 AM
23-6338	United States of America v. Linguini	Determined	N.D.N.Y. (ALBANY)	IFP Granted	10/17/2023 11:31 AM
23-6757	Simon v. Garland	Opened	Board of Immigration Appeals	Due	10/13/2023 2:41 PM
23-6749	Prisoner v. Warden	Opened	E.D.N.Y. (BROOKLYN)		10/6/2023 4:10 PM
23-6747	ABC Restaurant v. Cake Man Raven	Opened	D. Vt. (BRATTLEBORO)	Due	10/6/2023 2:15 PM
22-6234	Federal Trade Commission v. Sam's Sandwich Shop	Opened	Federal Trade Commission	Due	10/3/2023 4:47 PM
23-5075	Bulder v. Garland	Opened	Board of Immigration Appeals	Due	9/23/2023 4:03 PM
23-5072	In Re: Instant Coffee Company	Opened	N.D.N.Y. (BINGHAMTON)	Due	9/23/2023 9:19 AM

New E-Filing System: ACMS

Clicking on a case number brings you to the case details page

Can see deadlines, linked cases, fee status

Home > Case Details

Case Details

General

[Pay Filing Fee](#) [Create a New Filing](#)

Case Number	Received Date	Fee Status
23-5050	5/6/2023	IFP Pending in USCA

Linked Cases

Case Number	Case Title	Connection
23-5058	United States of America v. Test	CON

Deadlines

Case Deadline Name	Party	Due Date	Deadline Status
Form B Due	Chesse Pizza, Jr.	8/8/2023	Overdue
ROA Index Due	Chesse Pizza, Jr.	8/8/2023	Overdue
Appellant-Petitioner Acknowledgement and Appearance Form	Chesse Pizza, Jr.	8/8/2023	Overdue

New E-Filing System: ACMS

Scrolling further down shows you all case participants and attorneys

Selecting the drop-down carrot next to the counsel will open a small window showing you the parties that attorney represents

The docket sheet is at the bottom of the Case Details Page

Along with a link to the docket on PACER, where you will find the actual filings

The screenshot displays the 'Case Participants' section, which is divided into 'Parties' and 'Attorneys'. Below this is the 'Docket Entries' section, which includes a link to view documents on PACER and a table of filings.

Case Participants

Case Participant Name ↑	Participant Role ↑	A Number	Is Lead	
Chesse Pizza, Jr.	Appellant	A777-868-678	Yes	▼
United States of America	AppelleeUSA		Yes	▼
Lizzo Entertainer	Defendant	A394-586-867	No	▼
Mary B. Ladybug	Defendant	A467-887-873	No	▼

Attorneys

Case Participant Name ↑	Participant Role ↑	
Andrew Barnes	Counsel for Appellant	☑
Bernardo Baruchus	Counsel for Appellee	List of Parties
John Jack Jay	Counsel for Appellee	▼

Docket Entries

[View documents on PACER \(PACER Docket\)](#)

Date Filed ↑	Entry # ↑	Docket Text
6/10/2023	1	MOTION, to proceed in forma pauperis, on behalf of Appellant Lizzo Entertainer, FILED. Service date 06/07/2023 by Federal Express. [23-5058, 23-5050] [Entered: 06/10/2023 08:52 AM]
6/10/2023	2	MOTION ORDER, granting motion to proceed in forma pauperis, at docket entry 1, on behalf of Appellant Lizzo Entertainer, by , copy to pro se appellant, FILED. [23-5058, 23-5050] [Entered: 06/10/2023 09:12 AM]
6/10/2023	9	NOTICE OF CRIMINAL APPEAL, with district court docket, on behalf of Appellant Chesse Pizza, Jr., FILED. [Entered: 09/14/2023 09:34 AM]
7/17/2023	3	NEW PARTY, Defendant Lizzo Entertainer, Defendant Mary B. Ladybug, ADDED. [Entered: 07/17/2023 03:11 PM]
7/17/2023	4	ATTORNEY, John Jack Jay, for AppelleeUSA United States of America, ADDED. [Entered: 07/17/2023 03:16 PM]
7/23/2023	5	APPENDIX, on behalf of AppelleeUSA United States of America, FILED. Service date 07/24/2023 by ACMS. [23-5050, 23-5058] [Entered: 07/23/2023 08:51 PM]

New E-Filing System: ACMS

ACMS prompts users to respond to filings and limits responses which has greatly reduced filing errors

But if users prefer to file something else, they select “+New Filing” and proceed. Our categories and filing types (previously called ‘events’) remain the same

Home > Case Details > New Filing

0%

Create a new case filing by selecting “+New Filing”. If you are responding to another party’s filing or a court order, select the appropriate filing from the list presented.

[- Respond to a Court Order, Court Notice, or Party Filing](#)

Select	Filing Date	No.	Docket Text
<input type="checkbox"/>	05/23/2023	6	MOTION, to proceed in forma pauperis, on behalf of Appellant Lamb Chop, FILED. Service date 05/23/2023 by United States Mail. [Entered: 05/25/2023 09:50 AM]
<input type="checkbox"/>	06/28/2023	7	MOTION, for injunction, on behalf of Appellant Lamb Chop, FILED. Service date 06/28/2023 by E-mail. [Entered: 06/28/2023 11:19 AM]
<input type="checkbox"/>	06/28/2023	8	MOTION ORDER, deferring motion for injunction, at docket entry 7, on behalf of Appellant Lamb Chop, FILED. [Entered: 06/28/2023 02:37 PM]

[+ Supplement or Correct My Filing](#)

[+ New Filing](#)

Lookup records

Search

Choose one record and click Select to continue

- ✓
- Appl, Motn/Pet for Rhg, Supp, Oppos
- Brief & Appendices
- Correspondence/Forms/Letters
- Records
- Stipulations

Select Cancel Remove value

New E-Filing System: ACMS

Some filing types will prompt users to enter additional data, such as a date or something from a drop-down menu

While others may provide multi-select options

New Filing

16%

Additional Information

1. Indicate date of letter *

Indicate date of letter

mm/dd/yyyy

2. Purpose of Letter *

Purpose of Letter

Select One

Cancel Next

New Filing

16%

Additional Information

1. Select Relief(s) *

Select Relief(s)

- for oral argument
- for bail
- to change venue
- to file late brief
- to file fewer copies
- for assignment of pro bono counsel
- for admission pro hac vice
- for appointment of CJA counsel
- for attorney's fees
- for __relief
- for certificate of appealability
- for injunction
- for consent judgment
- for contempt adjudication
- for attorney's fees
- for extension of time
- for FRAP 42(b) immigration remand
- for oral argument

New E-Filing System: ACMS

One of the benefits of ACMS is we created a TurboTax®-like environment where the filer is only prompted to select certain things. We also provide ample “help text” throughout the filing process.

Filers can now only select documents based on how the court configures a Filing Type

New Filing

33%

New Filing - Filing Info
Filing Type
Motion FILED

Instructions
All motions must be accompanied by the T-1080 Motion Information Statement, 2d Cir. L.R. 27.1. After clicking “Attach Documents” you will be prompted to select the documents you are uploading. If your document is one file, select T-1080 form. If you are uploading individual documents, select the appropriate one using the drop-down menu by clicking on the magnifying glass.

Attach Documents

Name	Filing Document Type	Created On ↓
There are no records to display.		

Cancel Next

Document Details

Filing Type *
Motion FILED

Filing Document Type *
T-1080 Form

Select PDF document to upload *
Choose File No file chosen

Submit

New E-Filing System: ACMS

While ACMS is a new e-filing system, the same rules apply

This last bit is important because ACMS is a web-based program. Occasionally, the pagination of a PDF filing will not carry over if the filing is opened in a web browser. Our Clerk's Office staff knows to open each PDF file to verify the filing meets these L.R. requirements.

L.R. 32.1 provides how a brief must be filed in the court.

Some important things to remember:

Refer to FRAP 32(b) for forms of briefs

Double-check pagination in ADOBE

L.R. 32.1(a)(3), (b)(3)

New E-Filing System: ACMS

Everything a filer needs is right at their fingertips!

With a full opportunity to review everything.

acms@ca2.fedcourts.us

New Filing

80%

New Filing - Confirmation

Filing Details

Case * Bloomberg L.P. v. United States Postal Service	Case Number 23-6634
Filing Category Appl/Motr/Pet for Rtg, Supp,Oppos	Filing Type Motion FILED
	Filer Andrew TestTwo Franquinho

Additional Information

Number ↑	Item	Response
1	Select Relief(s)	for extension of time, to strike document

Filing Documents

Name ↑	Created On
TEST 5.pdf	10/10/2023 10:24 AM

Associated Parties

Case Participant ↑	Participant Role	Is Lead
United States Postal Service	Appellee	Yes

Linked Cases

Case Number (Linked Case)	Linked Case ↑	Role To
23-6671	Mongeon v. KPH Healthcare Services, Inc.	CON

Service

Service Date 10/10/2023	Service Type By ACMS
-----------------------------------	--------------------------------

[Cancel](#) [Previous](#) [Submit](#)

2nd Circuit Contacts

UNITED STATES COURT OF APPEALS
for the **Second Circuit**
Chief Judge Debra Ann Livingston

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New Yor Federal : Council

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Clerk's Office Directory

Main number	212-857-8500
Clerk of Court	212-857-8585
	212-857-8702
	212-857-8662
Administrative Attorneys	212-857-8530
Operations Division	212-857-8599
Agency Appeals agencycases@ca2.uscourts.gov	212-857-8544
Attorney Admissions admissions@ca2.uscourts.gov	212-857-8603 212-857-8640
Calendar	212-857-8595
Case Initiation newcases@ca2.uscourts.gov	212-857-8551
Case Closing caseclosing@ca2.uscourts.gov	212-857-8560
Civil Appeals civilcases@ca2.uscourts.gov	212-857-8576
Criminal/Prisoner Appeals criminalcases@ca2.uscourts.gov	212-857-8515
Helpdesk (ACMS and CM/ECF) efilerhelpdesk@ca2.uscourts.gov	212-857-8630
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Quicklinks

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Questions?

