

ADOPTED October 1, 2018

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

AMENDMENT TO LOCAL RULE 27(f)

PLEASE TAKE NOTICE that the Court intends to amend Local Rule 27(f) to provide that (1) motions for summary affirmance or reversal filed prior to completion of briefing should include a showing that the issues raised on appeal are in fact manifestly unsubstantial and appropriate for disposition by motion; (2) motions to dismiss on jurisdictional or procedural grounds should be filed within the time allowed for filing the response brief; and (3) suspension of briefing pending ruling on a motion to summarily affirm, reverse, or dismiss should be requested by separate motion.

The amendment will take effect on October 1, 2018, subject to revision in light of comments received. Interested parties may submit comments on or before September 24, 2018, to:

Patricia S. Connor, Clerk
U.S. Court of Appeals for the Fourth Circuit
1100 E. Main Street, Suite 501
Richmond, Virginia 23219

The Fourth Circuit Rulebook is available [here](#)

August 13, 2018
Date

/s/ Patricia S. Connor
Clerk

Local Rule 27(f). Motions for Summary Disposition.

~~Motions for summary affirmance, reversal or dismissal are reserved for extraordinary cases only and should not be filed routinely.~~

- (1) **Motions for Summary Affirmance or Reversal.** Motions for summary affirmance or reversal filed prior to completion of briefing should include a showing that ~~Counsel contemplating filing a motion to dispose summarily of an appeal should carefully consider whether~~ the issues raised on appeal are in fact manifestly unsubstantial and appropriate for disposition by motion. Absent such a showing, the Court will defer action on the motion until briefing is complete. ~~Motions for summary affirmance or reversal are seldom granted.~~

~~Motions for summary disposition should be made only after briefs are filed. If such motions are submitted before the completion of the briefing schedule, the Court will defer action on the motion until the case is mature for full consideration.~~

- (2) **Motions to Dismiss.** Motions to dismiss based upon the ground that the appeal is not within the jurisdiction of the Court or ~~for on~~ other procedural grounds ~~may be filed at any time~~ should be filed within the time allowed for the filing of the response brief. The Court may also sua sponte summarily dispose of any appeal at any time.
- (3) **Suspension of Briefing.** Suspension of briefing pending ruling on a motion to summarily affirm, reverse, or dismiss should be requested by separate motion.