

# UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

## CERTIORARI STATUS FORM – DUE WITHIN FIRST 60 DAYS OF CERTIORARI PERIOD IN CASES IN WHICH COURT’S JUDGMENT WAS ADVERSE TO DEFENDANT

CASE NO. \_\_\_\_\_ CASE CAPTION \_\_\_\_\_

### **Certiorari Obligations**

The Fourth Circuit’s [CJA Plan](#) provides as follows at § 5, ¶ 2:

*Every attorney, including retained counsel, who represents a defendant in this court shall continue to represent his client after termination of the appeal unless relieved of further responsibility by this court or the Supreme Court. Where counsel has not been relieved:*

*If the judgment of this court is adverse to the defendant, counsel shall inform the defendant, in writing, of his right to petition the Supreme Court for a writ of certiorari. If the defendant, in writing, so requests and in counsel’s considered judgment there are grounds for seeking Supreme Court review, counsel shall prepare and file a timely petition for such a writ and transmit a copy to the defendant. Thereafter, unless otherwise instructed by the Supreme Court or its clerk, or unless any applicable rule, order or plan of the Supreme Court shall otherwise provide, counsel shall take whatever further steps are necessary to protect the rights of the defendant, until the petition is granted or denied.*

*If the appellant requests that a petition for writ of certiorari be filed but counsel believes that such a petition would be frivolous, counsel may file a motion to withdraw with this court wherein counsel requests to be relieved of the responsibility of filing a petition for writ of certiorari. The motion must reflect that a copy was served on the client.*

### **Filing Time for Petition for Certiorari**

The petition for certiorari must be filed in the Supreme Court within 90 days of this Court’s decision. If a timely petition for panel or en banc rehearing is filed, the certiorari petition must be filed within 90 days of the denial of panel or en banc rehearing or within 90 days of a decision rendered after grant of panel or en banc rehearing. The certiorari period runs from this Court’s decision or denial of panel or en banc rehearing, not from issuance of the Court’s mandate. Information on filing a pro se petition for writ of certiorari is available from the Supreme Court of the United States, Office of the Clerk, Washington, D.C. 20543-0001.

### **Return of Form by Counsel**

To protect defendant’s certiorari rights in any case in which the Court’s judgment was adverse to the defendant, counsel must return this or like form within the first 60 days of the certiorari period and serve a copy on defendant. Counsel must file an amended **Certiorari Status Form** if the information subsequently changes.

## CERTIORARI STATUS FORM

**Please select one:**

My client has asked that I file a certiorari petition; I am filing a petition for certiorari in this case.

My client has asked that I file a certiorari petition; I am filing a motion to withdraw as counsel in the Fourth Circuit on the grounds that a certiorari petition would be frivolous.

My client has informed me that he/she does **NOT** request that I file a petition for certiorari.

More than 30 days have elapsed since I asked my client to inform me whether a certiorari petition is requested; my client has not responded.

Other Comments:

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Signature

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Date

## CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ the foregoing document was served on defendant at the address listed below:

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Signature

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Date

**File form electronically using entry Certiorari status form. If information thereafter changes, use Certiorari status form entry again and select Amended within the entry.**