

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT ON APPEAL FROM DISTRICT COURT**

Directions: Counsel must make a **docketing statement filed** entry in CM/ECF within 14 days of filing a notice of appeal or cross-appeal, or within the due date set by the clerk's docketing notice, whichever is later. Attach to the docket entry the (1) docketing statement form, (2) any pages containing extended answers, (3) any transcript order form, and (4) any CJA 24 transcript authorization form. Counsel who filed the notice of appeal is responsible for filing the docketing statement even if different counsel will handle the appeal. If opposing counsel finds the docketing statement inaccurate or incomplete, opposing counsel may file any objections using the **docketing statement objection/correction filed** entry within 7 days of service of the docketing statement. Appellants proceeding pro se are not required to file a docketing statement.

Caption of Case **Fourth Circuit 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 below or on a separate page.

(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 below or 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 below or 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, succinctly, the nature of the suit, the relief sought, and the outcome below. Attach additional page if necessary.

G. Issues to be raised on appeal. Issues should be framed with reference to the specific facts and circumstances of the case. 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. 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

The docketing statement 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 Local Rule 33. If counsel 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.

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 form and any CJA 24 form.

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 _____
E-mail _____

2. Adverse party _____
Attorney _____
Address _____

Telephone _____
E-mail _____

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 _____
E-mail _____

Attorney's name _____

Firm _____

Address _____

Telephone _____

E-mail _____

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 _____

File using **docketing statement filed** entry and add any extended answers, transcript order form, and CJA 24 transcript authorization form as additional documents filed with docketing statement.

CERTIFICATE OF SERVICE

I certify that on _____ I served a complete copy of this Docketing Statement on all parties, addressed as shown below:

Signature