

ADOPTED December 1, 2025

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

AMENDMENT TO LOCAL RULE 39

PLEASE TAKE NOTICE that the Court intends to amend Local Rule 39 to conform to amendments to Federal Rule of Appellate Procedure 39, which were adopted by the Supreme Court of the United States pursuant to 28 U.S.C. § 2072.

Local Rule 39(c) will be amended to remove the sentence identifying costs generally taxable in the Court of Appeals, as the amendments to Federal Rule of Appellate Procedure 39 include the addition of a new subsection (e) entitled “Costs on Appeal Taxable in the Court of Appeals” that expressly provides for the costs stated in the local rule.

The amendments to Federal Rule of Appellate Procedure 39 take effect December 1, 2025. Accordingly, the attached amendment to Local Rule 39 also is scheduled to take effect December 1, 2025, subject to revision in light of comments received. Interested parties may submit comments on or before December 12, 2025, to:

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

or via email to:

rulecomments@ca4.uscourts.gov

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

November 20, 2025
Date

/s/ Nwamaka Anowi
Clerk

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Local Rule 39(a). *Reproduction Costs.*

The cost of producing and binding necessary copies of briefs and appendices in the form required by Fed. R. App. P. 32 shall be taxable as costs at a rate equal to actual cost, but not higher than 15 cents per page for each copy required for filing and service by Local Rules 30(b)(4) and 31(d) or by order of the Court.

Local Rule 39(b). *Bill of Costs.*

The verified bill of costs may be that of a party or counsel, and should be accompanied by the printer's itemized statement of charges. When costs are sought for or against the United States, counsel should cite the statutory authority relied upon. Taxation of costs will not be delayed by the filing of a petition for rehearing or other post-judgment motion. A late affidavit for costs must be accompanied by a motion for leave to file. The clerk rules on all bills of costs and objections in the first instance.

Local Rule 39(c). *Recovery of Costs in the District Court.*

~~*The only costs generally taxable in the Court of Appeals are: (1) the docketing fee if the appellant is the prevailing party; and (2) the cost of printing or reproducing briefs and appendices, including exhibits.*~~

Although some costs are "taxable" in the Court of Appeals, all costs are recoverable in the district court after issuance of the mandate. If the matter of costs has not been settled before issuance of the mandate, the clerk will send a supplemental "Bill of Costs" to the district court for inclusion in the mandate at a later date.

Various costs incidental to an appeal must be settled at the district court level. Among such items are: (1) the cost of the reporter's transcript; (2) the fee for filing the notice of appeal; (3) the fee for preparing and transmitting the record; and (4) the premiums paid for any required appeal bond. Application for recovery of these expenses by the successful party on appeal must be made in the district court and should be made only after issuance of the mandate by the Court of Appeals. These costs, if erroneously applied for in the Court of Appeals, will be disallowed without prejudice to the right to reapply for them in the district court.

Former Local Rule 39 redesignated Local Rule 39(a) December 1, 1995; amended December 1, 1998, and September 1, 2011.

Local Rule 39(b) adopted December 1, 1995.

Local Rule 39(c) adopted December 1, 1995; amended October 1, 2015, [and December 1, 2025](#).

Former I.O.P.-39.1 rescinded December 1, 1995.