

## VII. Filing a Motion

Motions are used to ask this court to do something, also known as “asking for relief.” Motions are governed by FRAP 27 and FCR 27. You may file a motion or a response to a motion from the other party. If you file a motion or response, it may not exceed 20 pages. FRAP 27(d)(2). The court prefers that you contact the other parties and indicate if they consent to the motion. FCR 27(a)(5). A party may respond to a motion, but in many instances the court may act before the response is due. FRAP 27(b). Only one copy of a motion must be filed.

### A. Motion Requirements

Your motion must include the following:

- Name of the this court
- Caption
- Case number
- The title of the motion
- Statement of consent or opposition
- Statement regarding the relief sought and supporting legal grounds
- Your signature and the date
- Certificate of service

If necessary, you may attach relevant documents to your motion as exhibits, which do not count toward your page limit. Label all exhibits and attach them to your motion. FCR 27(d).

You will be notified when a decision has been made regarding a motion. You may check the status through your PACER account.

### B. Sample Types of Motions

Below are examples of common motions and special procedures associated with filing them.

#### 1. Motion to Extend Time

Motions to extend time to file a document should be received by the court at least seven days before the deadline for filing the document. A motion for extension of time may be acted on without waiting for a response. FRAP 27(b).

2. Motion for Reconsideration, Vacatur, or Modification of a Procedural Order

If you are adversely affected by a procedural order entered in response to a motion or by a procedural order issued by the Clerk of Court, you may file a motion for reconsideration, vacatur, or modification within 14 days of the order or action. FCR 27(l) and 45(b).

3. Motion for Reconsideration of Dismissal by Clerk of Court

The Clerk of Court may dismiss an appeal for failure to follow the Federal Rules of Appellate Procedure or the Federal Circuit Rules. Motions for reconsideration of a dismissal must be filed within 14 days after the issuance of the order of dismissal and may not exceed five pages. The motions must follow the guidelines under FRAP 27 and FCR 27. An unrepresented party may file one copy of an informal motion for reconsideration, which may be in the form of a letter, and must not exceed five typewritten double-spaced pages. A copy of the dismissal order must be attached to the motion. FCR 45(a).

4. Motion for Reconsideration of the Order of a Single Judge or Panel of Judges

Reconsideration of orders or decisions that terminate a case are discussed below under Petitions for Rehearing. A party seeking review by the court of an action of a single judge or reconsideration of an action of a panel of judges must file a motion for reconsideration within 14 days of the entry of the order. FCR 27(l).

5. Motion to Correct/Supplement

A motion to correct or supplement may be filed at any time. The court may act on this motion without waiting for a response.

## C. Responses to Motions

If the other party files a motion that you wish to oppose, you may file a response within ten days of the date the motion was served. A decision may be made on a motion before you have a chance to respond. Motions for extension of time are commonly acted on without waiting for a response. The court will not act on an opposed dispositive motion before the time to respond has expired. FRAP 27(b), FCR 27(b).

If a party files a response to a motion you submitted, you may file a reply to that response within seven days of the date the response was served.