

III. Preparing Your Case Before Filing

A. Resources Available to You

Parties should review this guide, the Federal Rules of Appellate Procedure (FRAP), and the Federal Circuit Rules (FCR) before filing an appeal. An electronic version of the Rules of Practice is available on the court's website at <http://www.cafc.uscourts.gov/rules-of-practice>. The Rules of Practice include Practice Notes following the various rules. The Practice Notes discuss matters that are often asked of Clerk's Office staff. You may rely on the Practice Notes to assist in applying the rules to your case, but you may not use the Practice Notes to avoid following mandatory statutes or rules.

The statutes governing this court's jurisdiction and related matters in the United States Code, the United States Code Annotated, or the United States Code Service, and the decisions of this court in the Federal Reporter, Second and Third Series (F.2d, F.3d), are available in many public libraries and online.

Additionally, once you have filed a case with this court, you may use the Federal Circuit's library for case-related research while your case is pending.

B. Clerk's Office Assistance

If you have read this guide but still have procedural questions, you may call the Clerk's Office at (202) 275-8000. Public access and telephone hours for the Clerk's Office are 8:30 a.m. to 4:30 p.m. (Eastern Time), Monday through Friday (except for federal holidays). Collect calls are not accepted.

Please note that Clerk's Office staff cannot provide legal advice, including interpreting the Federal Rules of Appellate Procedure, the Federal Circuit Rules, statutes, or case law; advising how to litigate your case; or analyzing the court's decision in your case. If you require legal advice, contact an attorney for a consultation.

Except as explained above, parties may not directly contact the Clerk of Court, judges, law clerks, or other court staff.

C. Representing Yourself

An individual may be represented by an attorney before the Federal Circuit, or you may represent yourself. Representing yourself in a case is called appearing *pro se*, meaning "on one's own behalf." This guide is provided to assist unrepresented parties appearing without an attorney in this court.

A corporation, partnership, organization, or other legal entity generally may not appear without an attorney. A union, veterans' organization, or other nonlawyer representative may not represent you in this court even if such an entity represented you before the Merit Systems Protection Board (MSPB), an arbitrator, the Court of Appeals for Veterans Claims, or other tribunal.

Other representatives, such as relatives or friends, may not represent you in this court unless they are also attorneys and admitted to practice in this court. An executor or administrator of the estate of an appellant or petitioner must also generally be represented by counsel. FCR 47.3(a).

If you have an attorney representing you in this court, only your attorney may file papers and contact the court about your case. You may appear pro se while looking for an attorney, but your case will no longer be considered pro se once counsel appears on your behalf.

D. Are You in the Correct Court?

There are three main appellate courts in the District of Columbia: The District of Columbia Court of Appeals, the United States Court of Appeals for the District of Columbia Circuit, and the United States Court of Appeals for the Federal Circuit. Two of them are federal circuit courts, and the other is a local District of Columbia court. Appeals from the Superior Court of the District of Columbia are made to the District of Columbia Court of Appeals.

As a general rule, appeals from the United States District Court for the District of Columbia are made to the United States Court of Appeals for the District of Columbia Circuit. **This guide is for filing an appeal only with the United States Court of Appeals for the Federal Circuit.** Please review this guide first in order to determine whether this is the correct court to file your appeal.

This court does not hear appeals from other United States Courts of Appeals. Any such review should be directed to the Supreme Court of the United States.

1. Jurisdiction

The United States Court of Appeals for the Federal Circuit, located in Washington, D. C., has exclusive nationwide jurisdiction over a variety of subject areas, such as appeals in all patent cases, all government contract cases, all international trade cases, government personnel cases (excluding employment discrimination claims), all cases involving monetary claims against the United States under the Tucker Acts, veterans' benefits cases, and others.

The Federal Circuit does not have jurisdiction over any criminal, bankruptcy, immigration, or state matters. The Federal Circuit also cannot hear appeals

from decisions of other U.S. Courts of Appeals. If you would like to pursue a discrimination claim from the MSPB, you should review your final decision from the MSPB which will indicate whether your case can be appealed in a district court or with the Equal Employment Opportunity Commission.

If you are appealing an MSPB opinion, you must complete [Form 10](#), Statement Concerning Discrimination, within 14 days of docketing and file it with this court. This document is necessary to determine jurisdiction. FCR 15(c).

2. Scope of Appellate Review

As an appellate court, the Federal Circuit reviews final decisions made by a board, commission, agency, or court. Your appeal in this court generally cannot raise new matters, new evidence, or new facts not first presented to the originating forum. The court reviews the lower court or agency's record as well as the briefs of the parties.

If you are appealing from the U.S. Court of Appeals for Veterans Claims, please refer to 38 U.S.C. § 7292 for other limitations on the scope of appellate review.

E. Where Should I Send Documents?

You can send documents to the court through the U.S. Postal Service or by private shipping service. Note that postal mail to the court may experience occasional delays due to security screening or other issues. If a notice of appeal, petition for review, motion, or other document must be received by the court on a particular date, then parties might consider using an alternative method of delivering the document to the court, such as a commercial carrier or hand-delivery to ensure delivery by the specific date. The court cannot waive or excuse the deadlines for filing a notice of appeal or petition for review, even if the document was deposited in the mail in a timely fashion. FRAP 26(b).

Please address all mail to:

Clerk of Court
National Courts Building
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439

Email and fax filing are not permitted without leave of the court; however, a petition for review or notice of appeal submitted by an unrepresented party may be filed with the Clerk's Office via email. The notice or petition must be attached as a PDF to the email and sent to prose@cafc.uscourts.gov. All other documents or messages, including case documents submitted to any other court email address, will neither be accepted, processed, nor receive a response, consistent with Fed. Cir. R. 25(a)(1). The Clerk's Office must receive all petitions for review and notices of appeal by the due date, whether by email or in paper.

F. Your Contact Information

A notice of unrepresented person appearance form ([Form 8B](#)) is used to make sure your current contact information is on file. The appearance form must include your name, address, email address, and telephone number. A completed notice of unrepresented person appearance must be filed within 14 days after the case is docketed, and [Form 8B](#) will be included in the docketing packet provided by the Clerk's Office. The form is also available on the court's website.

You must file an amended [Form 8B](#) if you change your contact information, including either a permanent or temporary change in address, while your case is pending. The court will only mail documents to the one official address on file with the Clerk's Office. Failure to update your contact information may result in missed notifications or deadlines.