



**TRANSCRIPT ORDER FORM - DIRECTIONS ON NEXT PAGE**

**PART I - To be completed by appellant within ten days of filing the notice of appeal**

|                         |                        |
|-------------------------|------------------------|
| Short Title:            | District:              |
| District Court Number:  | Circuit Court Number:  |
| Name of Attorney:       | Attorney's E-Mail:     |
| Name of Law Firm:       |                        |
| Address of Firm:        |                        |
| Telephone of Firm:      | Attorneys for:         |
| Name of Court Reporter: | Telephone of Reporter: |

**PART II - COMPLETE SECTION A OR SECTION B**

**SECTION A - I HAVE NOT ORDERED A TRANSCRIPT BECAUSE**

- A transcript is not necessary for this appeal, or
- The necessary transcript is already on file in District Court
- The necessary transcript was ordered previously in appeal number

**SECTION B - I HEREBY ORDER THE FOLLOWING TRANSCRIPT:**

(Specify the date and proceeding in the space below)

|                     |                       |   |
|---------------------|-----------------------|---|
| Voir dire:          | : Opening Statements: | : |
| Trial proceedings:  | : Instruction Cnf:    | : |
| Jury Instructions:  | : Closing Arguments:  | : |
| Post Trial Motions: | : Other Proceedings:  | . |

(Attach additional pages if necessary)

- Appellant will pay the cost of the transcript.

**My signature on this form is my agreement to pay for the transcript ordered on this form.**

- This case is proceeding under the Criminal Justice Act.

**NOTE:** Leave to proceed *in forma pauperis* does not entitle appellant to a free transcript. An order of the district court allowing payment for the transcript at government expense must be obtained. See 28 U.S.C. §753(f).

**CERTIFICATE OF COMPLIANCE**

I certify that I have read the instructions on the reverse of this form and that copies of this transcript order form have been served on the **court reporter (if transcript ordered), the Clerk of U.S. District Court, all counsel of record or pro se parties, and the Clerk of the U.S. Court of Appeals for the Tenth Circuit.** I further certify that satisfactory arrangements for payment for any transcript ordered have been made with the court reporter(s).

Signature of Attorney/Pro Se: \_\_\_\_\_ Date: \_\_\_\_\_

**PART III - TO BE COMPLETED BY THE COURT REPORTER**

Upon completion, please file one copy with the Clerk of the U.S. Court of Appeals and one copy with the Clerk of the U.S. District Court.

Date arrangements for payment completed: \_\_\_\_\_

Estimated completion date: \_\_\_\_\_

Estimated number of pages: \_\_\_\_\_

I certify that I have read the instructions on the reverse side and that adequate arrangements for payment have been made.

Signature of Court Reporter: \_\_\_\_\_ Date: \_\_\_\_\_

## TRANSCRIPT ORDER FORM DIRECTIONS

This form requires multiple distribution, service and filing. The responsibilities of each party and the court reporter are described below.

### 1. APPELLANT

**Whether or not a transcript is ordered**, appellant or his counsel must complete Part I and Part II of this form. Upon completion, appellant must serve a copy on:

- a. the Court Reporter (if a transcript is ordered),
- b. all parties,
- c. the Clerk of the U.S. District Court, and
- d. the Clerk of the U.S. Court of Appeals.

If a transcript is ordered, the appellant must obtain execution of this form by the court reporter(s) who recorded the proceedings. Within the ten day period allowed for ordering the transcript under Fed. R. App. P. 10(b)(1), appellant must make adequate arrangements for payment for the transcript. **The Court Reporter may require a deposit equal to the full estimated cost of the transcript.** 28 U.S.C. §753(f).

Unless the entire transcript is ordered, appellant shall serve on all appellees a statement of the issues he intends to present on appeal. Fed. R. App. P. 10(b)(3). The Docketing Statement required by 10th Cir. R. 3.4 fulfills this requirement.

Those portions of the transcripts that are filed that are pertinent to the appeal must be included in appellant's appendix or, in cases where counsel is appointed, designated for inclusion in the record on appeal. 10th Cir. R. 10.2.2, 10.3.2(d) and 30.1.1.

### 2. APPELLEE

Unless the entire transcript is ordered, appellee may, within twenty days of filing of the notice of appeal, file and serve on appellant a designation of additional transcript to be included. If, within ten days, appellant does not order and pay for the transcript so designated, appellee may, within a further ten days, order and pay for the transcript or move in the district court for an order compelling appellant to do so. Fed. R. App. P. 10(b)(3).

### 3. COURT REPORTER

After receipt of this form and **after satisfactory financial arrangements have been made**. The court reporter shall certify the date the transcript was ordered and estimate the date it will be completed. The estimated completion date must comply with the Tenth Circuit Judicial Council's mandated district court Court Reporter Management Plans. Transcripts in a criminal case (includes 28 U.S.C. §§2241, 2254, 2255) shall be filed within 30 days of the date arrangements for payment are made. Transcripts in a civil case shall be filed within 60 days of the date arrangements for payment are made. **Court Reporters are subject to a mandatory fee reduction if transcripts are not timely filed.** See Appellate Transcript Management Plan for the Tenth Circuit, 10th Cir. R., App. B.

The completed form must be served on:

- a. the Clerk of the District Court and
- b. the Clerk of the Court of Appeals.

# United States Court of Appeals for the Tenth Circuit

## OFFICE OF THE CLERK

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157

Betsy Schumaker  
Clerk of Court

Douglas E. Cressler  
Chief Deputy Clerk

TO: Counsel

RE: Prosecuting Appeal

Since the appeal which you have filed will be governed by the Federal Rules of Appellate Procedure and the Tenth Circuit Rules, you should familiarize yourself with both sets of rules. Copies of the Tenth Circuit Rules, effective January 1, 2003, may be obtained from the clerk of the district court or may be ordered from the clerk of the court of appeals. The Tenth Circuit rules pamphlet contains the Federal Rules of Appellate Procedure. The Tenth Circuit Practitioners' Guide is another good resource regarding prosecuting appeals. This publication may be ordered from the clerk of the court of appeals.

Please note the following appellate procedures:

1. If this is a direct criminal appeal, defendant's retained or court-appointed trial counsel is responsible for continuing representation of the defendant until relieved by the court of appeals. Further, any attorney who files a notice of appeal on behalf of a petitioner or moving party in a post conviction proceeding or criminal appeal is deemed to have entered an appearance in this court and may not withdraw without leave of court. *See* 10th Cir. R. 46.3.1.
2. Unless the appellant has been granted leave to proceed in forma pauperis or unless a motion to so proceed is now pending, the prescribed fees (\$5.00 filing fee and \$250.00 docket fee) must be paid to the clerk of the district court. *See* Fed. R. App. P. 3(e) and 10th Cir. R. 3.3.
3. Appellant must file a docketing statement with the clerk of the court of appeals 10 days after filing the notice of appeal. *See* 10th Cir. R. 3.4. Docketing statement forms, together with instructions for completing and filing the docketing statement, are attached to this letter.
4. Unless a motion for leave to proceed in forma pauperis is pending, appellant should immediately order **necessary** transcripts from the court reporter. *See* Fed. R. App. 10(b) and 10th Cir. R. 10.1.1 and 10.1.2.

Transcripts must be ordered on forms provided by the district court. Please note that the transcript order shall not be deemed complete until satisfactory financial arrangements have been made with the court reporter. *See* 10th Cir. R. 10.1.2.

5. If appellant is represented by court-appointed counsel a designation of record must be filed with the district court clerk within 10 days of filing a notice of appeal. The designation of record form must be used to prepare the record on appeal. **NOTE: If co-defendants appeal and one appellant is represented by court-appointed counsel, the court of appeals will treat all appellants as if represented by court-appointed counsel.** Except as noted, a designation of record is not required if appellant is represented by retained counsel, but an appendix containing record excerpts must be filed when the appellant's opening brief is filed. *See* 10th Cir. R. 30.1 through 30.3.

6. If appellant, or a co-appellant (see **NOTE** above), is represented by court-appointed counsel, appellant shall file and serve an opening brief within 40 days of the date on which the clerk of the district court transmits the record on appeal to the clerk of the court of appeals. Except as noted, if appellant is represented by retained counsel, appellant shall file and serve an opening brief, together with separate appendix, within 40 days after the date on which the clerk of the district court notifies the parties and the clerk of the court of appeals that the record is complete for purposes of appeal. *See* Fed. R. App. 31 and 10th Cir. R. 31.1.1.

Failure to complete any of the steps set forth in numbered paragraphs 2, 3, 4, 5, and 6 of this letter may result in dismissal of the appeal, or discipline of counsel, or both. *See* 10th Cir. R. 42.1 and 46.6.

If, after reading the Federal Rules of Appellate Procedure and the Tenth Circuit Rules, you still have questions regarding prosecution of the appeal, please call the clerk's office.

Very truly yours,

Betsy Schumaker, Clerk of Court

**UNITED STATES DISTRICT COURT**  
**For The District of Wyoming**

CASE NUMBERS

Plaintiff(s), U.S.D.C. \_\_\_\_\_

vs. U.S.C.A. \_\_\_\_\_

(if known)

Defendant(s). DESIGNATION OF RECORD ON APPEAL

NOTE: THIS DESIGNATION FORM MUST BE COMPLETED AND FILED IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS FORM.

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Those original papers which have been designated by circling their respective docket numbers (or dates of entry) on the attached copy of the district court's docket sheets should be included in the record of appeal prepared by the clerk of the district court and transmitted to the clerk of the court of appeals. (If the district court clerk so elects, original papers may be retained in the district court and copies thereof may be included in the record on appeal.)

The following items should also be included in the record on appeal. (Portions of transcripts should be designated by hearing dates and page numbers.)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

(Attach additional sheets if necessary)

Signature: \_\_\_\_\_

Counsel for: \_\_\_\_\_

I hereby certify that a copy of this designation, with the docket sheets attached, was mailed to opposing counsel and to the clerk of the court of appeals on \_\_\_\_\_.

Signature: \_\_\_\_\_

Counsel for: \_\_\_\_\_

If appellant is represented by court-appointed counsel, or is represented by retained counsel, but a co-defendant who appeals is represented by court-appointed counsel, appellant's counsel must designate the record on appeal by completing and filing this form with the clerk of the district court within 10 days after filing the notice of appeal. Copies must be served on all other parties to the appeal and a copy must be filed with the clerk of the court of appeals. Within 10 days after service of appellant's designation, appellee may file and serve an additional designation. Copies of the district court docket sheets should be attached to every copy of a designation filed or served.

Although nonessential parts of the district court record should not be designated for inclusion in the record on appeal, it is counsel's responsibility to see that the record on appeal is sufficient for consideration and determination of the issues on appeal, and the court is under no obligation to remedy any failure of counsel to fulfill that responsibility.

Every record on appeal must contain: 1) the last amended complaint and answer, or the indictment or information and any superseding indictment or information; 2) the final pretrial order (if any); 3) the district court's (and bankruptcy court's or magistrate's) pertinent findings and conclusions, opinions, or orders, and, if the findings and conclusions were stated orally, a copy of the transcript pages where they appear; 4) the final judgment or order from which the appeal is taken; 5) all jury instructions when an instruction is an issue on appeal, along with proposed instructions which were refused; 6) the notice of appeal; and 7) the district court docket sheets.

The following additional items should be included in the record on appeal under the circumstances indicated: 1) a copy of the pages of reporter's transcript at which the evidence, offer of proof, instruction, ruling, or order and any necessary objection are reproduced when an appeal is based upon a challenge to the admission or exclusion of evidence, the giving or failure to give a jury instruction, or any other filing or order; 2) copies of key trial exhibits if the appeal requires an analysis of those exhibits (exhibits withdrawn from the district court should not be designated, but may be included in an addendum to the party's appellate brief); 3) relevant portions of briefs, memoranda, affidavits and depositions filed in support of, or in opposition to, a substantive motion-- such as a motion for summary judgment, motion to dismiss, or jurisdictional motion, when the appeal is from an order granting or denying the motion; 4) other items, including excerpts of transcripts, if expressly referred to in the brief and relevant to an issue raised on appeal.

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157

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**DOCKETING STATEMENT INSTRUCTIONS**

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**PLEASE FOLLOW THE INSTRUCTIONS REGARDING CONTENT,  
ESPECIALLY THE ATTACHMENTS, VERY CAREFULLY.**

**I. APPEALS FROM DISTRICT COURT**

The appellant must complete the attached Docketing Statement and file it with the clerk of the court of appeals within 10 days after filing the notice of appeal. An original and four copies must be filed. *See* 10th Cir. R. 3.4. The Docketing Statement must be accompanied by proof of service on all other parties to the appeal.

**Copies of the following documents must be attached to all copies of the  
Docketing Statement:**

- a. The district court docket sheet which includes entry of the notice of appeal. (In multiple civil appeals arising out of the same or consolidated district court cases, complete copies of the district court docket sheet is only required to be attached to the Docketing Statement filed by the first appellant. Subsequent appellants shall attach to their docketing statements a copy of that page of the district court docket sheet showing the filing of the notice of appeal and any post-judgment motions.);
- b. The final judgment or order appealed;
- c. All pertinent findings and conclusions, opinions, or orders which form the basis for the appeal;
- d. Any motion filed under Fed. R. Civ. P. 50(b), 52(b), 59, 60, including any motion for reconsideration, and in a criminal appeal, a motion for judgment of acquittal, for arrest of judgment or for a new trial, with the certificate of service and the dispositive order(s);
- e. Any motion for extension of time to file the notice of appeal and the dispositive order; and

- f. The notice of appeal.

Please complete all sections of the Docketing Statement form except Sections I-B and I-C. Section V should only be completed in criminal appeals.

## **II. PETITIONS FOR REVIEW OR APPLICATIONS FOR ENFORCEMENT OF AGENCY ORDERS**

The Docketing Statement must be filed in the court of appeals within 14 days after filing a petition for review or application for enforcement. An original and four copies must be filed. The Docketing Statement must be accompanied by proof of service on all other parties.

Copies of the following documents must be attached to all copies of the Docketing Statement:

- g. The agency docket sheet with the entry of the order to be reviewed;
- h. The order to be reviewed; and
- i. The petition for review or application for enforcement.

Please complete all sections of the Docketing Statement except Sections I-A, I-C, and V.

## **III. APPEALS FROM UNITED STATES TAX COURT**

The Docketing Statement must be filed in the court of appeals within 14 days after the appeal is docketed. An original and four copies must be filed. The Docketing Statement must be accompanied by proof of service on all other parties.

Copies of the following documents must be attached to all copies of the Docketing Statement:

- j. The Tax Court docket sheet with the entry of the notice of appeal;
- k. The decision appealed;
- l. The judgment appealed; and
- m. The notice of appeal.
- n. If the notice of appeal was filed by mail, proof of the postmark.

Please complete all sections of the Docketing Statement form except Sections I-A, I-B, and V.

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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**DOCKETING STATEMENT**

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Case Name:

Appeal No. (if available) :

Court/Agency Appeal From:

Court/Agency Docket No.:

District Judge:

Party or Parties filing Notice of Appeal/Petition:

**IV. TIMELINESS OF APPEAL OR PETITION FOR REVIEW**

**A. APPEAL FROM DISTRICT COURT**

1. Date notice of appeal filed:

a. Was a motion filed for an extension of time to file the notice of appeal? If so, give the filing date of the motion, the date of any order disposing of the motion, and the deadline for filing notice of appeal:

b. Is the United States or an officer or an agency of the United States a party to this appeal?

2. Authority fixing time limit for filing notice of appeal:

|                                |                            |
|--------------------------------|----------------------------|
| Fed. R. App. 4 (a)(1)(A) _____ | Fed. R. App. 4(a)(6) _____ |
| Fed. R. App. 4 (a)(1)(B) _____ | Fed. R. App. 4(b)(1) _____ |
| Fed. R. App. 4 (a)(2) _____    | Fed. R. App. 4(b)(3) _____ |
| Fed. R. App. 4 (a)(3) _____    | Fed. R. App. 4(b)(4) _____ |
| Fed. R. App. 4 (a)(4) _____    | Fed. R. App. 4(c) _____    |
| Fed. R. App. 4 (a)(5) _____    |                            |

Other:

3. Date final judgment or order to be reviewed was filed and **entered** on the district court docket:
4. Does the judgment or order to be reviewed dispose of **all** claims by and against **all** parties? *See* Fed. R. Civ. P. 54(b).

**(If the order being appealed is not final, please answer the following questions in this section.)**

- a. If not, did district court direct entry of judgment in accordance with Fed. R. Civ. P. 54(b)? When was this done?
  - b. If the judgment or order is not a final disposition, is it appealable under 28 U.S.C. § 1292(a)?
  - c. If none of the above applies, what is the **specific** statutory basis for determining that the judgment or order is appealable?
5. Tolling Motions. *See* Fed. R. App. P. 4(a)(4)(A); 4(b)(3)(A).
- a. Give the filing date of any motion under Fed. R. Civ. P. 50(b), 52(b), 59, 60, including any motion for reconsideration, and in a criminal appeal any motion for judgment of acquittal, for arrest of judgment or for new trial, filed in the district court:
  - b. Has an order been entered by the district court disposing of that motion, and, if so, when?
6. Bankruptcy Appeals. (To be completed only in appeals from a judgment, order or decree of a district court in a bankruptcy case or from an order of the Bankruptcy Appellate Panel.)

Are there assets of the debtor subject to administration by a district or bankruptcy court?

Please state the approximate amount of such assets, if known.

**B. REVIEW OF AGENCY ORDER** (To be completed only in connection with petitions for review or applications for enforcement filed directly with the Court of Appeals.)

1. Date petition for review was filed:
2. Date of the order to be reviewed:
3. Specify the statute or other authority granting the court of appeals jurisdiction to review the order:
4. Specify the time limit for filing the petition (cite specific statutory section or other authority):

**C. APPEAL OF TAX COURT DECISION**

1. Date notice of appeal was filed:  
(If notice was filed by mail, attach proof of postmark.)
2. Time limit for filing notice of appeal:
3. Date of entry of decision appealed:
4. Was a timely motion to vacate or revise a decision made under the Tax Court's Rules of Practice, and if so, when? *See* Fed. R. App. P. 13(a)

**V. LIST ALL RELATED OR PRIOR RELATED APPEALS IN THIS COURT WITH APPROPRIATE CITATION(S).** If none, please so state.

**VI. GIVE A BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW.**

**VII. ISSUES RAISED ON APPEAL.**

## **VIII. ADDITIONAL INFORMATION IN CRIMINAL APPEALS.**

- A. Does this appeal involve review under 18. U.S.C. § 3742(a) or (b) of the sentence imposed?
- B. If the answer to question in A is yes, does the defendant also challenge the judgment of conviction?
- C. Describe the sentence imposed.
- D. Was the sentence imposed after a plea of guilty?
- E. Is defendant on probation or at liberty pending appeal?

**NOTE:** In the event expedited review is requested, the defendant shall consider whether a transcript of any portion of the trial court proceedings is necessary for the appeal. Necessary transcripts must be ordered at the time of appeal by completing and delivering the transcript order form to the clerk of the district court when a notice of appeal is filed. Defendant/appellant must refrain from ordering any unnecessary transcript as this will delay the appeal. If the court orders this appeal expedited, it will set a schedule for preparation of necessary transcripts, for designation and preparation of the record on appeal, and for filing briefs. If issues other than sentencing are raised by this appeal, the court will decide whether bifurcation is desirable.

## **IX. INDICATE WHETHER ORAL ARGUMENT IS DESIRED IN THIS APPEAL. If so, please state why.**

**X. ATTORNEY FILING DOCKETING STATEMENT:**

Name: Telephone:

Firm:

Address:

**PLEASE IDENTIFY ON WHOSE BEHALF THE DOCKETING STATEMENT IS FILED:**

A.  Appellant

Petitioner

Cross-Appellant

**B. PLEASE IDENTIFY WHETHER THE FILING COUNSEL IS**

Retained Attorney

Court-Appointed

Employed by a government entity  
(please specify )

Employed by the Office of the Federal Public Defender

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Signature

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Date

Attorney at Law

**NOTE:** A copy of the court or agency docket sheet, the final judgment or order appealed from, any pertinent findings and conclusions, opinions, or orders, any motion filed under Fed. R. Civ. P. 50(b), 52(b), 59, or 60, including any motion for reconsideration, for judgment of acquittal, for arrest of judgment, or for new trial, and the dispositive order(s), any motion for extension of time to file notice of appeal and the dispositive order, and the notice of appeal or petition for review **must be attached to all copies of the Docketing Statement**, except as otherwise provided in Section I of the instructions.

The original and four copies of this Docketing Statement must be filed.

This Docketing Statement must be accompanied by proof of service.

The following Certificate of Service may be used.

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_ hereby certify that on  
[appellant/petitioner or attorney therefor]

[date] I sent a copy of the foregoing Docketing Statement,  
to:

\_\_\_\_\_, at  
[counsel for/or appellee/respondent]

\_\_\_\_\_, the last known address, by  
way of United States mail or courier.

Signature

Dated signed

—

[Printed name and address of person completing service]