OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
For The District of Wyoming

Stephan Harris
Clerk of Court

Maggie Botkins
Chief Deputy Clerk

June 9, 2011

Re: *USA vs.*
USDC
USCA

ATTACHMENTS:

1. Attached are the following documents in connection with the Notice of Appeal filed in the above case concerning *pro se* **appellants**.

   a. Copy of Notice of Appeal
   b. Transcript Order Form with specific dates (for Appellant only)
   c. Copy of Docket Sheet
   d. Letter from Clerk, Tenth Circuit, U.S. Court of Appeals
   e Docketing Statement (for Appellant only)

Concerning Retained Counsel and Court appointed Counsel:

The procedures and appeals packet may be obtained from our website at

http://www.wyd.uscourts.gov

ORDERING THE TRANSCRIPT

2. In accordance with Rule 10(b) of the Federal Rules of Appellate Procedure, the appellant must, within 14 days after filing the Notice of Appeal, make satisfactory arrangements and order direct from the court reporter a transcript of such parts of the proceedings deemed necessary for this appeal. The order must be in writing using the attached Transcript Order Form and a copy of the order must be filed with this office within the same 14 days after filing the Notice of Appeal. If no transcript is to be ordered, the appellant must file with this office a certificate to this effect, as reflected on the appropriate section of the Transcript Order Form, within the same 14 days.

2120 Capitol Avenue, Room 2131 ◆ Cheyenne, WY 82001
(307) 433-2120 ◆ Fax: (307) 433-2152

111 South Wolcott, Suite 121 ◆ Casper, WY 82601
(307) 232-2620 ◆ Fax: (307) 232-2630

www.wyd.uscourts.gov

3. Unless the entire transcript is to be included, the appellant must file with the United States Court of Appeals, within the 14 days following the filing of the Notice of Appeal, a statement of the issues he intends to present on the appeal (The docketing statement required by 10th Cir. R 3.4 fulfills this requirement) and must serve on the appellee a copy of the transcript order (either ordering a transcript or certifying that no transcript is being ordered) and a copy of the statement of the issues.

4. If the appellee deems that a transcript of other parts of the proceedings is necessary, he must, within 14 days after service of the order or certificate of no transcript and of the statement of the issues, file and serve on the appellant a designation of additional parts to be included. Unless within 14 days after service of such designation, the appellant has ordered such parts and has not notified the appellee, the appellee may, within the following 14 days, either order the parts or move the District Court for an order requiring the appellant to do so. At the time of ordering a transcript, the party must make satisfactory arrangements with the court reporter for the cost of the transcript, and complete and file the necessary Transcript Order Form.

STEPHAN HARRIS
Clerk of Court

By: /s/
Deputy Clerk

Clear Fields

Print Form

TRANSCRIPT ORDER FORM - DIRECTIONS ON THE REVERSE SIDE

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

Short Title: _____ District: WYOMING

District Court Number: _____ Circuit Court Number: _____

Name of Attorney: _____ Attorney 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) or transcriber(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 FOR USING THIS FORM

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 fourteen 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 one days of filing of the notice of appeal, file and serve on appellant a designation of additional transcript to be included. If, within fourteen days, appellant does not order and pay for the transcript so designated, appellee may, within a further fourteen 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 Counsel'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 DISTRICT COURT

Plaintiff-Appell_____, v. Defendant-Appell_____.	District Court No. _____ Court of Appeals No. _____ (if known)

NOTE: THIS DESIGNATION FORM MUST BE COMPLETED AND FILED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE REVERSE SIDE OF THE FORM.

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 on 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 docket sheets attached, was served on opposing counsel and filed with the clerk of the court of appeals on _____.

Signature: _____

INSTRUCTIONS

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 14 days after filing the notice of appeal. Copies must be served on all parties to the appeal and a copy must be filed with the clerk of the court of appeals. Within 14 days after service of appellant's designation, appellee may file and serve an additional designation. Copies of the district court docket sheets must be attached to every copy of the 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) 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 ruling or order, 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; 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
TENTH CIRCUIT
Office of the Clerk
Byron White United States Courthouse
Denver, Colorado 80257
(303) 844-3157

Elisabeth A. Shumaker
Clerk of Court

Douglas E. Cressler
Chief Deputy Clerk

To: Counsel

Re: Prosecuting Appeal

The appeal 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. A copy of the Federal Rules of Appellate Procedure and the Tenth Circuit Rules, as well as copies of all forms, can be found on the court's website. *See* www.ca10.uscourts.gov The Tenth Circuit Practitioner's Guide is another good resource regarding prosecuting appeals. This publication may be ordered from the clerk of the court of appeals. You can also find it on the court's website.

Please note the following appellate procedures:

1. You will need to familiarize yourself with this court's *CM/ECF User's Manual* regarding electronic filing of documents. The manual may be found on the court's website. On June 1, 2009 ECF (electronic case filing) became mandatory for all counsel of record in the Tenth Circuit. For information regarding ECF registration and to review our training manual and tools, please go to www.ca10.uscourts.gov and look for the "CM/ECF & Court Filing" tab.

2. 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.

3. Unless the appellant has been granted leave to proceed in forma pauperis or unless a motion to do so is pending, the prescribed fees ($5.00 filing fee and $450.00 docketing fee) must be paid to the clerk of the district court. *See* Fed. R. App. P. 3(e) and 10th Cir. R. 3.3.

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. P. 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. Appellant must file a docketing statement with the clerk of court 14 days after filing the notice of appeal. *See* 10th Cir. R. 3.3. Docketing statement forms, together with instructions for completing and filing the docketing statement, are available on our website.

6. If appellant is represented by court appointed counsel, a designation of record must be filed with the district court clerk within 14 days of filing a notice of appeal. The designation of record form must by used to prepare the record on appeal in appointed-counsel cases. **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 for purposes of designating the record.** 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 when the appellant's opening brief is filed. *See* 10th Cir. R. 30.1 through 30.3.

7. If appellant, or a co-appellant, (see the **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.

If you have any questions regarding prosecution of the appeal please call the clerk's office at 303-844-3157.

ELISABETH A. SHUMAKER
Clerk of Court

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

PRO SE DOCKETING STATEMENT

INSTRUCTIONS: Appellant must complete the entire docketing statement form and attach copies of the following documents: (1) the notice of appeal; (2) the order or judgment being appealed; and (3) any written findings, conclusions or order of the trial court relating to the order of judgment being appealed. The completed docketing statement, together with the attachments, must be filed with the clerk of the court of appeals within 14 days after filing the notice of appeal. A copy of the completed docketing statement, with attachments, must be served on all opposing parties or their counsel. Proof of service must be provided. You must complete the certificate of service which is part of this form.

1. Your name, address, including registration number if applicable:_____
_____
_____

2. Title and number of district court case:_____
_____

3. Name of the district court:_____

4. The dates on which the district court order and your notice of appeal were filed:
_____

5. Type of action:
   _____ habeas corpus
   _____ § 2255 motion
   _____ motion to reduce sentence
   _____ civil action for damages
   _____ other [specify] _____

6. State briefly the relief you requested in the district court and the reasons why you are entitled to such relief:_____

_____

_____

_____

_____

_____

_____

7. State briefly the reasons why you feel the decision of the district court should be reversed:_____

_____

_____

_____

_____

8. Did you have a hearing in the district court? _____

_____ _____

Signature Date

CERTIFICATE OF SERVICE

I, _____ hereby certify that on
[appellant/petitioner]

_____ I served a copy of the foregoing **Pro Se Docketing Statement,**
[date]
to:

_____, at _____
[appellee/respondent or attorney therefor]

_____

_____, the last known

address/email address by _____.
[state method of service]

_____
Signature

_____
Dated signed

_____

_____

_____

_____
[Full name and address of person completing service]

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

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

DOCKETING STATEMENT INSTRUCTIONS

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

I. APPEALS FROM DISTRICT COURT

The appellant must complete a Docketing Statement form and file it with the clerk of the court of appeals within 14 days after filing the notice of appeal. The docketing statement must be filed via the court's Electronic Case Filing System (ECF). Instructions and information regarding ECF may be found on the court's website, www.ca10.uscourts.gov.

The following documents must be included with 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 are only required to be submitted with the Docketing Statement filed by the first appellant. Subsequent appellants shall submit with 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. The docketing statement must be filed via the court's Electronic Case Filing System (ECF). Instructions and information regarding ECF may be found on the court's website, www.ca10.uscourts.gov.

The following documents must be included with the Docketing Statement:

A. The agency docket sheet with the entry of the order to be reviewed;

B. The order to be reviewed; and

C. 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. The docketing statement must be filed via the court's Electronic Case Filing System (ECF). Instructions and information regarding ECF may be found on the court's website, www.ca10.uscourts.gov.

The following documents must be included with the Docketing Statement:

A. The Tax Court docket sheet with the entry of the notice of appeal;

B. The decision appealed;

C. The judgment appealed; and

D. The notice of appeal.

E. 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
TENTH CIRCUIT
Office of the Clerk
Byron White United States Courthouse
Denver, Colorado 80257
(303) 844-3157

Elisabeth A. Shumaker
Clerk of Court

Douglas E. Cressler
Chief Deputy Clerk

TO: Person Appealing Pro Se (without counsel)

RE: NEW APPEAL

Your appeal will be reviewed at the 10th Circuit Court of Appeals. Please note our contact information at the top of this page.

After your appeal is opened, you will receive information regarding how your case will proceed. You will need to submit an entry of appearance form within 30 days of the date the appeal is opened, and you may file a "Pro Se Docketing Statement" within 14 days of the case opening date (this is not required, however).

In addition, you may need to pay the prescribed fee ($5.00 filing fee and $450.00 docket fee) for the appeal. Those fees are paid directly in the district court. If you are not a prisoner, you may seek to proceed in forma pauperis (and not pay the fee) by filing a motion with the district court. If the motion is denied, you will be given the opportunity to file a motion with the Court of Appeals. If you were granted in forma pauperis status for your district court proceeding, and the district court did not enter an order finding your case frivolous, you will not need to file a new motion nor pay the fee.

If you are a prisoner filing an appeal in a non-habeas corpus proceeding, you will be required to pay the filing fee pursuant to the Prisoner Litigation Reform Act. You may seek permission to pay the fee in installments. An application will be sent to you by the Court of Appeals after your appeal is filed. If you are filing an appeal of a habeas corpus proceeding, and you were granted in forma pauperis status for your district court case, you most likely will not need to file a new motion nor pay the fee. You will receive direction regarding any fee issues after your appeal is filed.

Very truly yours,

ELISABETH A. SHUMAKER, Clerk