At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 29th day of October, Two Thousand Twenty-six

PRESENT: Raymond J. Lohier, Jr.,
Chief Judge
Richard J. Sullivan
Joseph F. Bianco
Michael H. Park
William J. Nardini
Steven J. Menashi
Eunice C. Lee
Beth Robinson
Myrna Pérez
Alison J. Nathan
Sarah A. L. Merriam
Maria Araújo Kahn
Matthew A. Schwartz,
Circuit Judges

IT IS HEREBY ORDERED, that the Local Rules of the United States Court of Appeals for the Second Circuit, are amended, effective immediately, and proposed for public comment pursuant to 28 U.S.C. § 2071(b) and Fed. R. App. P. 47(a)(1). The Clerk of Court shall receive comments submitted by November 30, 2026. Anyone wishing to comment should do so, in writing, addressed to:

Catherine O'Hagan Wolfe
Clerk of Court
United States Court of
Appeals 40 Foley Square
New York, New York 10007
or
Email: rulescomments@ca2.uscourts.gov

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Local Rule 11.1 Duties Regarding the Record

(a) **Record Retained by District Clerk.** In all counseled appeals other than those described in (b), the district clerk retains the record on appeal, subject to FRAP 11(e), and forwards to the circuit clerk, within 14 days after the filing of the notice of appeal, a certified copy of the index of docket entries instead of the entire record. The appellant must do whatever is necessary to enable the district clerk to comply with this rule.

(b) **Appeal on Original Record.** An appellant authorized to appeal on the original record without an appendix in accordance with LR 30.1(e)(1) must do whatever is necessary to enable the district clerk to send to the circuit clerk all relevant parts of the record, including transcripts and, if any, the certified administrative record.

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Local Rule 25.1 Electronic Case Filing

(a) **Definitions and Scope.**

(1) **Definitions.**

(A) **Document.** "Document" means any paper submitted to the court in a case.

(B) **PDF.** "PDF" means the electronic version, in Portable Document Format, of a document submitted to the court.

(C) **Initiating Document.** "Initiating" document means any document, including a petition for review of an agency decision; petition for a writ of mandamus, prohibition, or other extraordinary writ; successive habeas petition; or motion for leave to file an appeal; filed directly in this court to initiate a proceeding seeking consideration by this court.

(D) **Filing User.** "Filing User" means anyone who registers to file electronically under (b).

(E) **Sealed Document.** "Sealed document" means all or any portion of a document placed under seal by order of a district court or an agency or by order of this court upon the court's own initiative or the filing of a motion.

(2) **Scope.** This rule applies to all appeals filed on or after January 1, 2010.

(b) **Registration.**

(1) **Admitted Attorneys.** An attorney admitted to practice in this court must register as a Filing User with PACER, the service that provides on-line access to United States appellate, district, and bankruptcy court records and documents nationwide.

(2) **Non-admitted Attorneys.** An attorney not admitted to practice in this court but who files a petition for review of an agency decision under LR 15.1, a petition

for writ of mandamus or prohibition or other extraordinary writ under LR 21.1, or an attorney admission application under LR 46.1 must register as a Filing User with PACER.

(3) **Pro se parties.** A pro se party who wishes to file electronically must seek permission from the court by filing the court's Pro Se Electronic Filing User Request Form available on the court's website. A pro se party must register as a Filing User with PACER as soon as practicable after receiving permission.

(c) **Electronic Filing Requirements.**

(1) **By Filing User.** ~~**Documents Other than Initiating Documents.**~~ A Filing User must file every document, including ~~other than~~ an initiating document, electronically in PDF in accordance with the instructions posted on the court's website.

(2) **By Non-Admitted Attorney.** ~~**Initiating Documents.**~~ A non-admitted attorney who has no filing rights must file an initiating document by emailing it to <newcases@ca2.uscourts.gov>. The attorney must forthwith comply with (b)(2). All other documents must be filed under (c)(1).

(3) **By Exempt Attorney.** ~~Unless filing under LR 15.1 or LR 21.~~1 A~~a~~n attorney who is ~~not~~ exempt under (j) must file an initiating document by emailing it to <newcases@ca2.uscourts.gov>. All other documents must be filed under LR 25.2(d).

(4) **By Pro Se Party.** A pro se party not approved under (b)(3) may file an initiating document by emailing it to <newcases@ca2.uscourts.gov>. All other documents may be filed by emailing them to <prosecases@ca2.uscourts.gov> under LR 25.2(d)(3).

(d) **Timing of Electronic Filing.**

(1) **Documents Filed Electronically.** A document filed electronically is considered filed as of the date and time indicated on the notice of docket activity ("NDA") that the court automatically generates following the filing transmission.

(2) **Initiating Documents.** An initiating document filed electronically under (c)(2) is considered filed as of the date and time indicated on the email submission.

(3) **Technical Failure.** Upon motion, the clerk may accept as timely filed a document untimely filed as the result of a technical failure.

(e) **Format.** A PDF must be text-searchable. A PDF need not include a manual signature.

(f) **Signature.** A Filing User's personal log-in and password constitute the Filing User's signature for any purpose for which a signature is required.

(g) **Submission of Paper Copies.** Unless the clerk requests or the relevant LR requires, and notwithstanding FRAP provisions addressing number of copies, a Filing User must not submit a paper copy of a document.

(h) **Service.**

(1) **Acceptance of Service.** Registration as a Filing User constitutes consent to electronic service of all documents.

(2) **Documents Filed in Electronically.** A document filed electronically is considered served upon another Filing User when that Filing User receives the NDA. A Filing User satisfies FRAP 25(d)'s proof of service requirements by completing the "service" section when electronically filing a document.

(3) **Initiating Documents.** A Filing User must serve an initiating document on another Filing User by email.

(4) **Paper Copies.** Service of a paper copy of a document is not required unless the recipient is not a Filing User and has not consented to other service.

(i) **Hyperlinks.** A document filed under this rule may contain hyperlinks to (i) other portions of the same document or to other documents filed on appeal; (ii) documents filed in the lower court or agency from which the record on appeal is generated; and (iii) statutes**,** rules, regulations, and opinions. A hyperlink to a cited authority does not replace standard citation format.

(j) **Exemptions.**

(1) **Counsel.** Upon motion and a showing of extreme hardship or exceptional circumstances, the clerk may exempt counsel in a particular case from the electronic filing requirements. If the clerk grants counsel an exemption, the clerk will determine the manner of filing and service.

(2) **Sealed Documents.** A sealed document or a document that is the subject of a motion to seal is exempt from the electronic filing requirement and must be filed with the clerk in the manner the court determines. Within 7 days after the sealed document is filed, a redacted version of the document must be electronically filed on the docket, unless the court orders otherwise.

(3) **Oversized Documents.** A document that exceeds 75 ~~10~~ megabytes in size and cannot be reasonably divided into 10 or fewer separate parts, each not exceeding 25 ~~10~~ megabytes in size, is exempt from the electronic filing requirement. The oversized document qualifying for the exemption must be filed on CD or DVD.

(A) Under this rule each volume of a multi-volume appendix constitutes a separate document.

(B) If any one volume of a multi-volume appendix qualifies for exemption from electronic filing, the entire appendix must be filed on CD or DVD. Each volume of a multi-volume appendix included on a CD or DVD must be identified with the number of the volume, the page numbers included in the volume, and the total number of volumes. (Example: Vol. 1 of 3 (1- 300); Vol. 2 of 3 (301-600).)

(4) **Temporary Email Filing.** By notice posted to the court's website, in the event the electronic filing system is not available, parties may be directed to temporarily file all documents by email under LR 25.2(d).

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Local Rule 25.2 Submission of PDF Documents

(a) Definitions and Scope.

(1) Definitions. For the purpose of this rule, the following definitions apply:

(A) "Document" means any paper submitted to the court in a case, other than an appendix as covered in (h).

(B) "PDF" has the same meaning as defined in LR 25.1(a)(1)(B).

(2) Scope. This rule applies to all filings ~~appeals filed before January 1, 2010 (i.e., appeals with a docket number beginning with "09-" or lower), and any other appeal in which~~ made by counsel who is exempt from filing electronically under LR 25.1(j) or by a pro se party not approved to ~~does not~~ file electronically under LR 25.1(b).

(b) PDF Requirement.

(1) Counseled Parties. In addition to filing the original document, a counseled party must submit a PDF of every document unless counsel explains why submitting a PDF of the particular document would constitute extreme hardship.

(2) Pro Se Parties. A party not represented by counsel is encouraged, but not required, to submit a PDF of every document, in addition to filing the original document.

(3) Format. Each PDF must be text-searchable. A PDF need not include a manual signature.

(4) **Submission of Paper Copies.** Unless the clerk requests or the relevant local rule requires, and notwithstanding FRAP provisions addressing number of copies, a party must not submit a paper copy of a document other than the original.

(c) **Email Submission.** A party must email a PDF to the electronic mailbox designated in (d).

(1) **Email Subject Line.** The email must include the following information in the header's "Subject" or "Re" line:

(A) the docket number; if a docket number has not yet been assigned, the (i) the name of the district court or agency appealed from, and (ii) the district court docket or agency number;

(B) the party's name;

(C) the party's designation in the case (e.g., appellant, petitioner);

(D) the type of document (e.g., form, letter); and

(E) the date of submission.

Example of a proper subject line: # 01-2345-cv, ABC Corp, Appellant, Letter, 01/02/09.

(2) **Single Email Per Submission.** When a party submits a set of documents that are intended to be considered together, the party must submit the PDFs of all those documents in a single email.

(3) **Single PDF for Motion.** A party submitting a motion must incorporate the Form T-1080 Motion Information Statement, the memorandum of law, and all supporting documents into a single PDF.

(d) **Electronic Mailboxes.**

(1) **New Cases.** In new cases in which the circuit clerk has not yet issued a docketing notice, a counseled party must, and a pro se party may, submit a PDF to <newcases@ca2.uscourts.gov>.

(2) **Cases Involving Only Counseled Parties.** After the clerk has issued a docketing notice in a case involving only counseled parties, a counseled party must submit a PDF to the appropriate electronic mailbox, as determined by the two-letter case- type code at the end of the docket number, and subject to the following descriptions:

(A) ag, bk, op – <agencycases@ca2.uscourts.gov> – cases in which all parties have counsel and that involve an administrative agency, board, commission or office; tax court; bankruptcy; or original proceedings;

(B) cr, pr – <criminalcases@ca2.uscourts.gov> – criminal and prisoner cases in which all parties have counsel;

(C) cv – civil cases

(i) <agencycases@ca2.uscourts.gov> – civil cases in which all parties have counsel and one party is the United States or an official or agency of the United States;

(ii) <civilcases@ca2.uscourts.gov> – all other civil cases in which all parties have counsel; and

~~**(D)** pr – <priscases@ca2.uscourts.gov> – prisoner cases.~~

(3) **Cases Involving a Pro Se Party.** After the clerk has issued a docketing notice in a case involving one or more pro se parties, a counseled party must, and a pro se party may, submit a PDF to: <prosecases@ca2.uscourts.gov>. ~~except that in a case involving a pro se prisoner, a counseled party must, and a pro se party may, submit a PDF to <priscases@ca2.uscourts.gov>~~.

(e) **Time for Email Submission.** A party must email the PDF no later than the time for filing the original.

(f) **Corrections.** If a party corrects a document that has been submitted as a PDF, the party must also email a corrected PDF. The email subject line must identify the document as a corrected version and set forth the information required in (c)(1) with the submission date of the corrected version.

(g) **Email Service.** A party submitting a PDF must also email it to all counseled parties and to pro se parties who have submitted PDFs.

(h) **Submission of an Appendix.** In addition to filing the required number of paper copies, a counseled party must submit and serve on all parties a text-searchable PDF of every appendix on a CD or DVD, unless counsel explains why submitting a PDF of the appendix would constitute extreme hardship. A pro se party is encouraged, but not required, to submit and serve a PDF of the appendix on the CD or DVD, in addition to filing the required number of paper copies. Each volume of a multi-volume appendix included on the CD or DVD must be identified as a separate, clearly-labeled document. (Example: Vol. 1 of 3 (1-300); Vol. 2 of 3 (301-600).)

(i) **PDF Not Provided; Unbound Copy Required.** A party who does not provide a PDF must file with the clerk one unbound copy of each document. The party may not staple

or otherwise attach the unbound copy, but may use clips or rubber bands. When a party files only the original document and no copies, the original must be unbound.

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Local Rule 30.1 Appendix

(a) **Contents of Appendix.** The contents of an appendix are limited to the materials set forth in FRAP 30(a)(1), except that the appendix must also include the notice of appeal or petition for review.

(b) **Number of Paper Copies.** A counseled party must submit 6 paper copies of an appendix in cases in which an appendix is required. A pro se party must submit 3 paper copies of its appendix in cases in which an appendix is required.

(c) **Deferred Appendix.** If the parties stipulate, or if the court on motion directs, the parties may file a deferred appendix as provided in FRAP 30(c).

(d) **Index for Separate Volume of Exhibits.** When reproducing exhibits in a separate volume, the index required by FRAP 30(e) must include a description of each exhibit sufficient to inform the court of its nature; designation solely by exhibit number or letter does not comply with this rule.

(e) **Proceeding on the Original Record Without an Appendix.**

(1) **Authorized Classes of Cases.** The procedure described in FRAP 30(f) for hearing appeals on the original record without requiring an appendix is authorized in the following classes of cases: (A) proceedings conducted in forma pauperis, (B) social security cases, and (C) immigration petitions for review filed under FRAP 15(a). ~~cases listed in LR 34.2(a)(1).~~

(2) **Materials to be Included in the Record.** The appellant must arrange to make part of the record all relevant transcripts and, in social security cases, the certified administrative record.

(3) **Materials to be Attached to Appellant's Brief.** The appellant must attach as an addendum to its principal brief the orders, opinions, and judgments being appealed.

(f) **Sanctions.** This court may, after affording the attorney notice and an opportunity to be heard, impose sanctions against an attorney who unreasonably and vexatiously increases litigation costs by including unnecessary material in the appendix.

(g) **Appellee's Supplemental Appendix.** In any case in which an appellant has not filed a joint appendix in compliance with FRAP 30, an appellee may file a supplemental appendix. The supplemental appendix must comply with FRAP 30

and LR 32.1(b). It must be filed with the appellee's brief.

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Local Rule 31.1 Brief; Number of Paper Copies

In all cases except immigration petitions for review filed under FRAP 15(a), a party must submit 6 paper copies of each brief.

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Local Rule 40.1. Panel and En Banc Rehearing Procedure

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(b) Time to File in a Direct Criminal Appeal. A petition for ~~panel~~ rehearing may be filed within 45 days after entry of judgment.

(c) Copy of Opinion or Summary Order Required. A petition for ~~panel~~ rehearing must include a copy of the opinion or summary order to which the petition relates, and must not include any other documents.

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FOR THE COURT

s/s

Catherine O'Hagan Wolfe
Clerk of Court

New York, NY
Underline – material added
Strikeout – material deleted