

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
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Denver, Colorado 80257
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Elisabeth A. Shumaker
Clerk of Court

April 28, 2010

Douglas E. Cressler
Chief Deputy Clerk

Mr. Peter H. Pierotti
Mr. Gregory S. Wheeler
Office of City Attorney
P.O. Box 2248
Albuquerque, NM 87103-0000

RE: 10-2102, Doe v. City of Albuquerque
Dist/Ag docket: 1:08-CV-01041-MCA-LFG

Dear Counsel:

This appeal was docketed today. Copies of the Tenth Circuit Rules, effective January 1, 2010, and the Federal Rules of Appellate Procedure, effective December 1, 2009, may be obtained by contacting this office or by visiting our website at <http://www.ca10.uscourts.gov>. You may also obtain a copy of the rules by calling this office. **Effective March 18, 2009, counsel must also comply with the court's new General Order, which requires all counsel to file pleadings via the court's Electronic Case Filing system (ECF). You may find the order and information on registering for and using ECF on the court's website.** We invite you to contact us with any questions you may have about our operating procedures. Please note that all court forms are now available on the court's web site. Outlined below are some of the requirements for prosecuting this appeal.

Attorneys must complete and file an entry of appearance form within 14 days of the date of this letter. *See* 10th Cir. R. 46.1(A). Pro se parties must complete and file the form within thirty days of the date of this letter. Appellant's failure to enter an appearance may cause the appeal to be dismissed. An appellee who fails to enter an appearance may not receive notice or service of orders.

Although attorneys who file a notice of appeal have technically entered an appearance, and may not withdraw without the court's permission, counsel must still file a separate entry of appearance form. For criminal appeals, please note the court will require trial counsel to continue the representation whether retained or appointed, even if you did not sign the notice of appeal. *See* 10th Cir. R. 46.3(A). This continuity of counsel ensures that any criminal defendant who wishes to appeal has that appeal perfected.

Generally, the court will not allow counsel to withdraw until the docketing statement is filed, necessary transcripts are ordered, and the designation of record is submitted. If there is an issue regarding the defendant's eligibility for the appointment of counsel, an appropriate motion must be filed in the district court. *See* 10th Cir. R. 46.4(A).

You are required to file a docketing statement within 14 days of filing the notice of appeal. If you have not yet filed that pleading, you should do so within 14 days of the date of this letter. Please note that under local rule 3.4(C), the appellant is not limited to the issues identified in his docketing statement and may raise other appropriate issues in the opening brief. In addition to the docketing statement, all transcripts must be ordered within 14 days of the date of this letter. If no transcript is necessary, you must file a statement to that effect.

The \$5.00 filing fee and \$450.00 docket fee were not paid to the district clerk when the notice of appeal was filed as required by Fed. R. App. P. 3(e). Unless the fees are paid to the district clerk or an application for leave to proceed without prepayment of fees is made to the district court, within 30 days of the date of this letter, this appeal may be dismissed without further notice. *See* 10th Cir. R. 3.3(B).

Appellant is not required to file a designation of record, but will be required to file an appendix with appellant's opening brief. *See* 10th Cir. R. 10.2(A) and 30.1.

Appellant must file an opening brief and appendix within 40 days after the date on which the district clerk notifies the parties and the circuit clerk that the record is complete for purposes of appeal. *See* 10th Cir. R. 31.1(A)(1). Motions for extension of time to file briefs and appendices must comply with 10th Cir. R. 27.3, 27.4(B), 27.4(E), where applicable, and 27.4(F). These motions are not favored.

Briefs must satisfy all requirements of the Federal Rules of Appellate Procedure and Tenth Circuit Rules with respect to form and content. *See* specifically Fed. R. App. P. 28 and 32 and 10th Cir. R. 28.1, 28.2 and 32.1, as well as 31.4 when applicable. Seven copies of briefs must be provided to the court within two days of filing via the court's Electronic Case Filing system. *See* 10th Cir. R. 31.5 and the Court's General Order of March 18, 2009. Appendixes must satisfy the requirements of 10th Cir. R. 30.1(A) and 30.1(C) and 2 copies must be filed. *See* 10th Cir. R. 30.1(D).

Please contact this office if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Elisabeth A. Shumaker". The signature is written in black ink and includes a long, sweeping horizontal flourish at the end.

Elisabeth A. Shumaker
Clerk of the Court

cc: George L. Bach Jr.
John C. Bienvenu
Philip B. Davis
Brendan K. Egan
Laura Schauer Ives
Maureen A. Sanders

EAS/sds