

COURT OF APPEALS OPEN

Operations for the United States Court of Appeals for the Third Circuit will not be affected, at least initially, by the government shutdown. The Court is open. Oral arguments will be heard as scheduled. All filing deadlines must be met.

Oral Arguments. Attorneys representing federal government agencies in cases scheduled for oral argument are expected to appear. Government attorneys must promptly contact the Clerk's Office regarding any arrangements necessary during a lapse in funding, e.g. substitution of counsel, request to have case submitted on the briefs.

All Cases. Attorneys representing federal government agencies are expected to timely respond to emergency or expedited motions and cases.

Civil Cases. Deadlines for filings by federal government executive agencies in non-emergency civil cases will be suspended during the government shutdown. New deadlines will be established once the government shutdown has ended. To ensure an orderly resumption of work, government entities should expect that deadlines will be staggered. For example, filings due January 22 would be due seven days after the end of the shutdown; filings due January 23 would be due eight days after the end of the shutdown.

Deadlines for responding to applications to file a second or successive motion under 28 U.S.C. § 2255 will not be suspended as 28 U.S.C. § 2244 requires that these cases be decided in 30 days.

Criminal Cases. Deadlines in criminal cases will not be suspended. Federal Defenders, CJA counsel, and U.S. Attorneys are expected to file documents on time or file a motion for extension of time. CJA counsel should continue to submit vouchers for payment. Payment of vouchers will continue, subject to continued available funding. Payment of vouchers may be delayed.

If the shutdown is prolonged, the federal courts face serious disruptions. If it becomes necessary for the Third Circuit Court of Appeals to curtail services, an announcement will be posted on this website.

Dated: January 22, 2018