

**L.A.R. 26.0 and L.A.R. Misc. 113.3(c) Effective July 1, 2023**

**L.A.R. 26.0                    COMPUTING AND EXTENDING TIME**

**26.1    Deadline for Filing**

- (a) Unless a different time is set by a statute, local rule, or court order:
  - (1) documents received by the Clerk by 5:00 p.m. Eastern Time on the last day for filing will be considered timely filed;
  - (2) documents received after 5:00 p.m. Eastern Time on the last day for filing will be considered untimely filed; and
  - (3) for documents filed electronically, the filer must complete the transaction by 5:00 p.m. Eastern Time on the last day for filing for the filing to be considered timely.
  
- (b) L.A.R. 26.1 applies to documents filed after the initiation of a proceeding in the court of appeals. It does not apply to documents that initiate an appeal or other proceeding in the court of appeals.
  
- (c) Pursuant to L.A.R. 31.1(b)(1) and L.A.R. Misc. 113, registered ECF filers must file briefs and appendices electronically and the deadline established in L.A.R. 26.1(a) applies. The deadline established in L.A.R. 26.1(a) does not apply to the submission of briefs and appendices, if:
  - (1) a party is not a registered ECF filer and is permitted to file non-electronic briefs and appendices in accordance with Fed. R. App. P. 25(a)(2)(A)(ii); or
  - (2) a party is providing paper copies of previously filed electronic briefs and appendices.
  
- (d) The deadline established in L.A.R. 26.1(a) does not apply to documents filed by inmates in accordance with Fed. R. App. P. 25(a)(2)(A)(iii).

Source:                    None

Cross-References:    Fed. R. App. P. 26(a); L.A.R. 25; L.A.R. Misc. 113

Comments:            Fed. R. App. P. 26(a)(4) defines the end of the last day of filing in the court of appeals as “midnight in the time zone of the circuit clerk’s principal office” for electronic filing and “when the Clerk’s office is scheduled to close” for other means of transmission of documents to the clerk’s office. This rule applies “[u]nless a different time is set by statute, local rule, or court order.” L.A.R. 26.1 relies upon this authority.

## Miscellaneous – 3d Circuit Local Appellate Rules

### 113.3 Consequences of Electronic Filing

....

(c) Except as stated in L.A.R. 26.1, filing must be completed by 5:00 p.m. Eastern Time on the last day to be considered timely.

....

Comments: Rules on electronic filing were added in 2008. The rule was amended to conform to the 2023 amendment to L.A.R. 26.1.