



PUBLIC NOTICE

The United States Court of Appeals announces the following proposed amendments to the Local Rules are posted for public comment as required by 28 U.S.C. 2071(b). Amendments are proposed to the following 3d Cir. L.A.R. 26.1 and 3d Cir. L.A.R. Misc. 113.3. Any comments must be received by the Clerk of Court by **March 3, 2023**. Comments should be addressed to:

Patricia S. Dodszeit, Clerk of Court
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106

or by e_mail to: LARS_comments@ca3.uscourts.gov

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

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4 **26.1 Date of Filing and “Last Day”/ Deadline for Filing**

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6 Documents received by the Clerk by 5:00 p.m. Eastern Time will be filed as of the
7 day of receipt and documents received after 5:00 p.m. will be filed as of the next day the
8 clerk’s office is open, regardless of the means of transmission (electronic filing or
9 otherwise). Documents received by 5:00 p.m. Eastern Time on the last day for filing will
10 be considered timely filed, unless a different time is set by a statute, local rule, or court
11 order. Documents received after 5:00 p.m. Eastern Time will be considered untimely
12 filed. For documents filed electronically, the electronic transmission must be completed
13 by 5:00 p.m. Eastern Time on the last day for the filing to be considered timely filed.

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15 **Source:** None

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17 **Cross-References:** FRAP 26(a); L.A.R. 25; L.A.R. Misc. 113

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

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26 **Miscellaneous – 3d Circuit Local Appellate Rules**

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28 **113.3 Consequences of Electronic Filing**

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32 (c) Filing must be completed by ~~midnight on the last day Eastern Time~~ **5:00 p.m.**
33 **Eastern Time** to be considered timely filed that day.

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37 Comments: Rules on electronic filing were added in 2008. ~~Time changed to midnight in~~
38 ~~2010 to conform to amendment to FRAP.~~ **The rule was amended to conform to the 2023**
39 **amendment to L.A.R. 26.1.**