

## **THIRD CIRCUIT MOTIONS PRACTICE**

When filing motions with the United States Court of Appeals for the Third Circuit, counsel's attention is drawn to Rule 27(a)(2)(A), Fed. R. App. Pro., which requires that the motion state "with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support it." A "notice of motion" is not sufficient and will not be docketed. Rule 27(a)(2)(C)(ii). The form of the papers, page limits, number of copies and service, are governed by Rule 27(d). It is emphasized that these procedures apply to motions requesting a stay of removal in immigration cases. The opinions of the Immigration Judge and the BIA should accompany any motion requesting a stay of removal order. Rule 27(a)(2)(B).

Emergency Motions. LAR 27.7 provides, "To the fullest extent possible, the clerk must be given advance notice by telephone that a motion requiring expedited or urgent consideration may be filed." Counsel should call the Clerk's Office at 215-597-2995 during regular business hours as soon as they are aware that an emergency motion may be filed. Counsel should be candid regarding date when action is required. Clerk's Office personnel may give special instructions with respect to the method of filing and service. Upon filing of the motion, Clerk's Office will set the time for filing a response which may be shorter than the standard response period based on the nature of the emergency.