

Guide to Filing Emergency Motions/Petitions **(Other than Capital Cases*)**

Pursuant to 5th Cir. R. 27.3 parties should not file motions/petitions seeking emergency relief unless there is an emergency sufficient to justify disruption of the normal appellate process. In cases not governed by 5th Cir. R. 8.10 (Time Requirements for Challenges to Death Sentences and/or Execution Procedures) motions seeking relief within 14 days after filing must, subject to the penalties of FRAP 46(c), be supported by good cause and must:

- 1) Be filed in the clerk's office by 2:00 p.m. (CST) on the day of filing
- 2) Be preceded by a telephone call to the clerk's office and to the offices of opposing counsel advising of the intent to file the emergency motion
- 3) Be labeled "Emergency Motion"
- 4) Must State the Nature of the Emergency
- 5) Must include the Originating Court case number, District and Division
- 6) Must include the names of counsel representing the parties, including contact information of all counsel
- 7) Must provide a Certificate of Interested Persons
- 8) Must provide a cover letter explaining the urgency, the irreparable harm the party will suffer if ruling is not made by a certain date, and provide the date a ruling is needed.

Please note that PROCEDURAL MOTIONS, such as extensions of time, etc., and the FILING OF BRIEFS are NOT considered emergency matters.

Emergency Stays of Deportation – Pursuant to 5th Circuit Rule 27.3.1 The court will give emergency consideration to stays of deportation ONLY where the petitioner has a scheduled removal date and is in custody. Petitioners and counsel are responsible for obtaining accurate information about custody status of their clients, as well as confirming the scheduled removal date. Emergency stays where petitioners have an imminent scheduled deportation date and are in custody will be processed in accordance with 5th Circuit Rule 27.3 as noted above.

*Please refer to Fifth Circuit Rule 8 for Procedures in Death Penalty Cases involving Applications for Immediate Stay of Execution and Appeals in matters in which the District Court has either entered or refused to enter a Stay.