

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Notice of Proposed Change to Briefing Notice

The court is considering modifying the current briefing notice letter issued in criminal appeals. Although this change does not create or amend a local rule or procedure, the court welcomes public comments. The proposed language will replace the instructions in the current briefing notice shown below.

We will accept written comments for consideration on the proposed change through June 30, 2025. You may write to:

Clerk of Court
U.S. Court of Appeals for the Fifth Circuit
ATTN: Rule Changes
600 South Maestri Place
New Orleans, LA 70130

or send comments electronically to Changes@ca5.uscourts.gov.



Lyle W. Cayce
Clerk of Court

Current Language

Any party may elect to pursue summary disposition if all issues in the case are foreclosed by precedent. If you elect this procedure, you must file a notice stating that summary disposition may be appropriate contemporaneously with an informal letter brief in support of the notice, not exceeding 10 pages, by the date on which your brief is due. If you are the appellant, your notice and letter brief should make clear that you continue to seek reversal of the judgment against you, despite the fact that all issues in the case are foreclosed by precedent. The opposing party may join in the notice, if unopposed, or file a response letter brief not exceeding 10 pages. After the filing of the notice, the court may at any time direct that formal briefs be filed.

Proposed Language

If all issues in a criminal or habeas case are foreclosed by precedent, an appellant, alongside the initial brief, may file a letter addressed to the Clerk (copying the appellee) noting the issues are foreclosed by precedent. Upon receipt of such a letter, the Clerk shall notify the appellee that it may decline to file a responsive brief. If the appellee elects not to file a responsive brief, it should inform the Clerk as soon as practicable. Then, the Clerk may terminate the briefing schedule and submit the case to the court for resolution, including possible disposition under 5TH CIR. R. 47.6.