

6 Cir. R. 27 Motions

- (a) **Place of Filing.** All motions, including emergency motions, must be filed with the office of the clerk in Cincinnati.
- (b) **Filing and Service.** When a party is required to file a motion electronically, the clerk will not accept a paper copy for filing. FRAP 25(c) and 6 Cir. R. 25(f) govern service of a motion filed electronically. A party filing a paper motion must file only a signed original and serve one copy on each opposing party.
- (c) **Emergency Motion Procedure.** In matters where time does not permit the filing of an emergency motion or application at the clerk's office in Cincinnati, counsel should contact the clerk's office by telephone to explain the situation and to seek guidance.

Because emergency motions are usually filed before the record on appeal is filed, motions filed electronically must have as attachments and motions filed in paper must be **accompanied by:**

- a copy of the notice of appeal,
- a copy of the order appealed from, and
- copies of any other portions of the record necessary to the disposition of the motion.

(d) **Motion to Dismiss.**

(1) **For Lack of Jurisdiction.** At any time after a notice of appeal is filed a party may file a motion to dismiss on the ground that the appeal is not within the jurisdiction of this court. Motions to dismiss ordinarily may not be filed on grounds other than lack of jurisdiction.

(2) **Time to Respond.** A party may file a response to a motion to dismiss within 108 days from the date of service of the motion.

(3) **Motions to Affirm Prohibited.** No motion to affirm the judgment appealed from may be filed.

(e) **Motion to Expedite Appeal.** At any time after a notice of appeal is filed, a party may file a motion to expedite. Such motion shall demonstrate good cause why a case should receive expedited review.

(f) **Motion for Reconsideration.** A party may seek rehearing of a judgment of this Court pursuant to FRAP 40. A party may file a motion for reconsideration of any other action of a panel, of a single judge or of the clerk. See 6 Cir. R. 45(b). A panel may reconsider its own action or may review the action of a single judge or of the clerk, but the panel reviewing a single judge's action shall not include that judge.

Comments

The title is changed to conform with FRAP 27. The rule deals with matters other than motions to dismiss and procedural orders.

Former 6 Cir. R. 27(a) is deleted because it duplicates provisions of FRAP 27.

Former 6 Cir. R. 27(b) is deleted because it duplicates FRAP 25(d).

New (b) specifies the requirement for filing and service of electronic and paper motions.

The time period in former (e)(2) is changed from 10 to 8 days to be consistent with FRAP 27(a)(3)(A).