

# United States Court of Appeals

## FOR THE EIGHTH CIRCUIT

### RULE 22A: DEATH PENALTY CASES

(a) **Application of Rule.** This rule applies to any challenge to a state court order imposing a sentence of death.

(b) **Petitioner's Statement.** Petitioner shall file a statement certifying the existence of a sentence of death and the emergency nature of the proceedings. The statement shall also list the proposed date of execution, any previous cases filed by petitioner in federal court, and any cases filed by petitioner pending in any other court.

(c) **Emergency Motions.** Emergency motions or applications addressed either to the court or to an individual judge shall be filed with the clerk of the court rather than with an individual judge. Counsel are encouraged to communicate with the clerk by telephone as soon as it becomes evident that petitioner will seek emergency relief from the court.

(d) **Documents To Be Filed With Motion.** An original and four copies of any motion for stay of execution and application for a certificate of probable cause shall be filed with the clerk with the following documents:

- (1) the complaint or petition to the district court;
- (2) each brief or memorandum of authority filed by any party in the district court;
- (3) all available transcripts of proceedings before the district court;
- (4) the memorandum opinion giving the reasons advanced by the district court for denying relief;
- (5) the district court's judgment denying relief;
- (6) the application to the district court for a certificate of probable cause;
- (7) the application to the district court for stay;
- (8) the certificate of probable cause or order denying a certificate of probable cause;
- (9) the district court's order granting or denying a stay and its statement of reasons for this action;
- (10) a copy of the docket entries of the district court in the case; and

(11) a copy of each state or federal court opinion or judgment involving any issue presented to this court or, if the ruling was not made in a written opinion or judgment, a copy of the relevant portions of the transcript.

(e) **Coordination With Clerk.** Counsel shall coordinate their actions and filings with the clerk of the court so the clerk may attend promptly to the case and facilitate the court's consideration.

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**Source:** 8th Cir. R. 31 (Sept. 9, 1986).

**Cross-Reference:** FRAP 22.

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