

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Administrative Order Regarding Appellate Case Management System (ACMS)
(as adopted 12/15/21, updated 6/30/23)

This Administrative Order replaces and supersedes the Court’s February 16, 2023 Administrative Order.

The Court has developed a new Appellate Case Management System (ACMS). Over time, the Court has expanded the system to include additional case types in ACMS. The appendices to this Administrative Order provide case-type specific information. All remaining case-types will be processed in ACMS as of the dates listed below:

- **Immigration petitions for review:** All immigration petitions for review filed on or after May 1, 2021, will be opened and processed in ACMS. Please see [Appendix A](#) for rules specific to immigration petitions for review.
- **SOS applications:** All Applications for Permission to File a Second or Successive Habeas Corpus Petition/Motion (SOS Applications) received on or after January 1, 2022, will be opened and processed in ACMS. Please see [Appendix B](#) for rules specific to original proceedings.
- **All other agency petitions for review:** All remaining agency petitions for review filed on or after September 1, 2022, will be opened and processed in ACMS. Please see [Appendix C](#) for rules specific to agency petitions for review other than those addressed by Appendix A.
- **Criminal appeals:** All criminal appeals opened by the court of appeals on or after March 1, 2023, will be opened and processed in ACMS. Please see [Appendix D](#) for rules specific to all appeals.
- **Civil, non-habeas corpus prisoner appeals:** All civil, non-habeas corpus prisoner appeals opened by the court of appeals on or after July 1, 2023, will be filed and processed in ACMS. Please see [Appendix D](#) for rules specific to all appeals.

- **Habeas corpus appeals:** All habeas corpus appeals, including those challenging federal or state convictions and/or death penalty sentences, opened by the court of appeals on or after August 1, 2023, will be opened and processed in ACMS. Please see [Appendix D](#) for rules specific to all appeals.
- **Civil, bankruptcy, and tax court appeals:** All remaining civil appeals, including bankruptcy and tax court appeals, opened by the court of appeals on or after October 1, 2023, will be opened and processed in ACMS. Please see [Appendix D](#) for rules specific to all appeals.
- **Original proceedings:** All remaining original proceedings, including petitions for permission to appeal, petitions for a writ of mandamus or prohibition, and original petitions for a writ of habeas corpus submitted to the court of appeals on or after October 1, 2023, will be opened and processed in ACMS. Please see [Appendix B](#) for rules specific to all original proceedings.

These provisions govern the filing of all documents in ACMS. The Court may amend them from time to time and may deviate from them in specific cases if warranted.

The Court has posted documentation, training materials, and other information about ACMS on the Court's website (under E-Filing). All ACMS filers are strongly encouraged to review this information.

Rule 1 – Effective Date and Impact on Existing Rules

- (a) *Except as stated otherwise in this Administrative Order, all existing Court rules and procedures governing party filings, both electronic and in paper format, remain in effect.*
- (b) Should technical failure prevent timely electronic filing of any document in ACMS, the filing party should preserve documentation of the failure and may seek relief from the Court.
- (c) All cases that were originally opened by the court in CM/ECF will continue to be processed in CM/ECF. Only new cases required to be filed or opened

in ACMS as of the effective dates listed in this Administrative Order will be opened and processed in ACMS.

Rule 2 – Attorneys must use ACMS; Parties Proceeding Without Counsel may use ACMS

- (a) As always, notices of appeal will continue to be filed in the district court. Petitions for review and original proceedings are the only case opening documents filed in the court of appeals.
- (b) Attorneys will no longer be able to submit filings in paper format or through CM/ECF for a case that will be opened or processed in ACMS, even for case opening filings. Once a case is opened by this court in ACMS, or filed directly in this court using ACMS, the use of ACMS is mandatory for attorneys.
- (c) People proceeding without attorneys (pro se litigants), who are registered for electronic filing in this court, will be authorized to file electronically in ACMS as of July 3, 2023. Pro se litigants do not need to request permission to file electronically. They can register for electronic filing through PACER. See Rule 3 below. However, they must file all case opening documents (other than a notice of appeal, which is filed in the district court) in paper format at mailing address: 95 Seventh Street, San Francisco, CA 94103 or online through EDSS at this link <https://www.ca9.uscourts.gov/forms/pro-se-litigants/>.

Rule 3 – Registration

- (a) If you are an attorney or pro se litigant already registered for the Ninth Circuit’s CM/ECF, then no further action is required.
- (b) If you are not currently registered, start [here](https://pacer.psc.uscourts.gov/pscof/regWizard.jsf) (<https://pacer.psc.uscourts.gov/pscof/regWizard.jsf>)

Rule 4 – Submitting Motions, Briefs, and Other Pleadings

- (a) For ACMS cases, attorneys and registered pro se litigants must submit their motions, briefs, and other pleadings electronically in ACMS.
- (b) All parties registered for electronic filing in ACMS will receive service through ACMS. Only unregistered unrepresented parties must be served separately by the filer.
- (c) The Court will review submitted briefs and other filings for deficiencies. Do not submit any paper copies of briefs or other pleadings unless directed to do so by the Court.

Rule 5 – Effect of Failure to Comply with this Order

- (a) The Clerk of Court will contact any attorney who submits case opening documents or pleadings for ACMS cases in paper format after the effective date of this Order and will provide the attorney with a copy of this Order and instructions for submitting the filing in ACMS.
- (b) If an attorney continues to submit petitions in CM/ECF or in paper format after receiving notice of this Order, the Clerk of Court is authorized to return or strike the filings and take other action deemed necessary to enforce this Order.

Mary H. Murguia, Chief Judge

List of Appendices: Case-Type Specific Rules

[Appendix A:](#) Immigration Petitions for Review

[Appendix B:](#) Original Proceedings

[Appendix C:](#) All Other Agency Petitions for Review

[Appendix D:](#) All Appeals from District Court, BAP, Bankruptcy Court, or Tax Court

Appendix A: Immigration Petitions for Review

Rule 1 - Effective Date

- (a) All immigration petitions for review filed on or after May 1, 2021, will be opened and processed in ACMS.

Rule 2 - Case Specific Requirements

- (a) Attorneys may submit the immigration petition for review with or without fee payment, and with or without accompanying motions.
- (b) Be sure to follow all the instructions on the ACMS user portal. Each request for relief or motion must be submitted to the Court as a separate PDF file. For example, a motion to stay removal should be submitted as its own PDF file and cannot be included in the same PDF file as the petition for review.
- (c) As you prepare to submit the opening brief, keep in mind that you will need:
 - (i) a PDF file of your brief; and
 - (ii) a separate PDF file containing all the orders you wish for the court to review.

Appendix B: Original Proceedings

Revised as of June 30, 2023

Rule 1 - Effective Date

- (a) All Applications for Permission to File a Second or Successive Habeas Corpus Petition/Motion (SOS Applications) submitted to the court of appeals on or after January 1, 2022, will be opened and processed in ACMS.
- (b) All remaining original proceedings, including petitions for permission to appeal, petitions for a writ of mandamus or prohibition, and original petitions for a writ of habeas corpus submitted to the court of appeals on or after October 1, 2023, will be opened and processed in ACMS.

Rule 2 - Case Specific Requirements

- (a) Be sure to follow all the instructions on the ACMS user portal. Each request for relief or motion must be submitted to the Court as a separate PDF file.

Appendix C: All Other Agency Petitions for Review

Rule 1 - Effective Date

- (a) All agency petitions for review received on or after September 1, 2022, will be opened and processed in ACMS.

Rule 2 - Case Specific Requirements

- (a) Attorneys may submit the petition for review with or without fee payment, and with or without accompanying motions.
- (b) Be sure to follow all the instructions on the ACMS user portal. Each request for relief or motion must be submitted to the Court as a separate PDF file.
- (c) As you prepare to submit the opening brief and excerpts of record, keep in mind that you will need: (i) a PDF of your brief; and (ii) separate PDF(s) containing your volume(s) of excerpts of record. Excerpts of record must be filed separately from the opening brief using the “Excerpts of Record” filing type.

Appendix D: Appeals

Revised as of June 30, 2023

Rule 1 – Effective Date

- (a) **Criminal Appeals:** Criminal appeals opened by this court on or after March 1, 2023, regardless of when the notice of appeal was filed in the district court, will be opened, and processed in ACMS unless the court directs otherwise. This includes interlocutory and post-judgment criminal appeals as well as appeals from a judgment of conviction and/or sentence; not including habeas corpus or other civil proceedings related to criminal actions.
- (b) **Civil, non-habeas prisoner appeals:** All civil, non-habeas corpus prisoner appeals opened by the court of appeals on or after July 1, 2023, regardless of when the notice of appeal was filed in the district court, will be opened, and processed in ACMS.
- (c) **All habeas corpus appeals, including those challenging federal or state convictions and/or death penalty sentences, opened by the court of appeals on or after August 1, 2023, regardless of when the notice of appeal was filed in the district court, will be opened, and processed in ACMS.**
- (d) **All Remaining Civil, bankruptcy, and tax court appeals:** All other civil appeals, including bankruptcy and tax court appeals, opened by the court of appeals on or after October 1, 2023, regardless of when the notice of appeal was filed in the originating court, will be opened, and processed in ACMS.

Rule 2 - Case Specific Requirements

- (a) All notices of appeal must be filed in the originating court, using that court's case filing system.
- (b) Be sure to follow all the instructions on the ACMS user portal. Each request for relief or motion must be submitted to the Court as a separate PDF file.
- (c) As you prepare to submit the brief and excerpts of record, keep in mind that you will need: (i) a PDF of your brief; and (ii) separate PDF(s) containing

your volume(s) of excerpts of record. Excerpts of record must be filed separately from the brief using the “Excerpts of Record” filing type.