

## 9<sup>th</sup> Cir. R. 9-1.2. Release Pending Appeal

~~(a) A motion for bail pending appeal or for revocation of bail pending appeal, made in this Court, shall be accompanied by the district court's bail order, and, if the movant questions the factual basis of the order, a transcript of the proceedings had on the motion for bail made in the district court. If unable to obtain a transcript of the bail proceedings, the movant shall state in an affidavit the reason why the transcript has not been obtained.~~ A request for release pending appeal must first be brought in the district court. If the district court denies the request for release, defendant may file a motion for release pending appeal in this court. If the district court grants the request for release, defendant will remain on release pending appeal unless this court orders otherwise. (Rev. 12/1/09; 6/1/24)

~~(b) A movant for bail pending appeal shall also attach to the motion a certificate of the court reporter containing the name, address, and telephone number of the reporter who will prepare the transcript on appeal and the reporter's verification that the transcript has been ordered and that satisfactory arrangements have been made to pay for it, together with the estimated date of completion of the transcript. A motion for bail which does not comply with part (b) of this rule will be prima facie evidence that the appeal is taken for the purpose of delay within the meaning of 18 U.S.C. § 3143(b).~~ A party who files a motion for release or detention pending appeal must provide this court with the written order or hearing transcript that shows the reasoning behind the district court's ruling. (Rev. 6/1/24)

~~(c) Unless otherwise directed by the Court, the non-moving party shall file an opposition or statement of non-opposition to all motions for bail or revocation of bail pending appeal of a judgment of conviction~~ must file a response within 10 days of service of the motion, and the movant may file a reply within 7 days of service of the response. (Rev. 1/1/2003; 12/1/09; 6/1/24)

~~(d) Unless otherwise directed by the Court, the movant may file an optional reply within 7 days of service of the response.~~ (Rev. 1/1/2003; 12/1/09) (Incorporated into (c))

~~(e) If the appellant is on bail at the time the motion is filed in this Court, that bail will remain in effect until the Court rules on the motion.~~ (Rev. 1/1/01—changed from (d) to (e)) (Abrogated 6/1/24)

### Cross Reference

- Circuit Rule 27-1. Filing of Motions
- Circuit Rule 27-3. Emergency Motions

*CIRCUIT ADVISORY COMMITTEE NOTE TO RULE 9-1.2*

*A defendant may file a motion to stay a self-surrender date pending the court's ruling on a motion for release pending appeal. Former subsection (e), providing for an automatic stay of the self-surrender date, has been abrogated.*