

CIRCUIT RULE 25-2  
COMMUNICATIONS TO THE COURT

All communications to the court, including papers to be filed, shall comply with FRAP 32 and shall be addressed to the Clerk at the United States Court of Appeals, Post Office Box 193939, San Francisco, California 94119-3939. When it is intended that a communication come to the personal attention of a judge or judges, sufficient copies, not including the original, shall be supplied to the Clerk so that the Clerk can furnish a copy to each judge.

Cross Reference: Circuit Rules 27-1, 27-2, 27-3, and 27-6, Motions Practice; Introduction, Pages xvii - xxi.

*CIRCUIT ADVISORY COMMITTEE NOTE TO RULE 25-2*

*The address for same day or overnight mail delivery is Clerk, United States Court of Appeals, 95 Seventh Street, San Francisco, California 94103-1526.*

***Notice of Delay:** If an appeal or petition has been pending before the court for any period in excess of those set forth below, the party is encouraged to communicate this fact to the court. Such notice can be accomplished by a letter to the Clerk identifying the case and the nature of the delay. Generally, such a letter would be appropriate if:*

- (1) a motion has been pending for longer than four (4) months;*
- (2) the parties have not received notice of oral argument or submission on the briefs within fifteen (15) months after the completion of briefing;*
- (3) a decision on the merits has not been issued within nine (9) months after submission;*
- (4) the mandate has not issued within twenty-eight (28) days after the time to file a petition for rehearing has expired; or*
- (5) a petition for rehearing has been pending for longer than six (6) months.*

*Litigants are advised that the complexity of a given matter may preclude court action within the noted time period. (Notice of Delay - New 01/2001)*

***Ninth Circuit Clerk's office practice re extensions of time***  
***May 13, 2009***

***Telephonic Extensions of Time***

Per Rule 31-2.2(a), a party may only obtain a telephonic extension of time to file a brief; petitions for rehearing, responses to osc's & the like are not encompassed by the rule. Under the rule, the party is only eligible if no prior requests have been made; once the request is granted, no further extensions are permitted absent a showing of extraordinary circumstances. Notwithstanding that restriction, parties routinely request and obtain second extensions. The rule requires a showing of good cause; an explanation of other professional obligations, illness, computer problems, etc., is certainly sufficient. When a case is expedited, the parties may be barred from seeking telephonic extensions to prevent the expedition from being derailed.

***Written Extensions of Time***

*Criminal/Habeas:* Unless defendant is serving a brief term of confinement, the clerk will typically grant 30-45 days upon a reasonably well substantiated showing of cause. Lengthier and/or successive requests are presented to the commissioner.

*Immigration Cases:* The schedules provide both parties double the amount of time presumptively allocated by FRAP 31. Unless petitioner is in DHS custody, the clerk will customarily grant a 90-day extension in response to a showing of cause. Lengthier requests are presented to the commissioner.

*Civil/Other Agency Cases:* Absent expedition, the clerk will routinely grant an unopposed request for 60 to 90 days when the moving party proffers a some support for the request. Opposed requests are addressed on a case by case issue. Successive requests are generally presented to the commissioner.