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UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

MARIA R. HAMILTON
CLERK

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**NOTICE OF PROPOSED AMENDMENTS TO
LOCAL RULE 22.1(E) AND LOCAL RULE 25.0(D)(1)**

The United States Court of Appeals for the First Circuit provides notice that it proposes the attached amendments to Local Rules 22.1(e), and 25.0(d)(1). The amendments update citations to local rules to achieve uniformity throughout the Rulebook.

Additions are noted in *italic* print; deletions are noted in ~~strikeout~~ print.

The court hereby invites public comment on the amendments. Comments should be submitted by March 7, 2022 and addressed to:

Office of the Clerk
U.S. Court of Appeals for the First Circuit
United States Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210

February 3, 2022

Maria R. Hamilton, Clerk

Local Rule 22.1. Habeas Corpus; Successive Petitions

- (e) **Transfer.** If a second or successive § 2254 or § 2255 petition is filed in a district court without the requisite authorization by the court of appeals pursuant to 28 U.S.C. § 2244(b)(3), the district court will transfer the petition to the court of appeals pursuant to 28 U.S.C. § 1631 or dismiss the petition. If the petition is transferred, the petitioner must file a motion meeting the substantive requirements of ~~Loe.~~ *Ist Cir.* R. 22.1(a) within 45 days of the date of notice from the clerk of the court of appeals that said motion is required. If the motion is not timely filed, the court will enter an order denying authorization for the § 2254 or § 2255 petition.

Local Rule 25.0. Electronic Case Filing System and Facsimile

- (d) **Consequences of Electronic Filing.** Electronic transmission of a document via the electronic filing system in compliance with these rules, together with the transmission of a Notice of Docket Activity from the court, constitutes filing of the document under the Federal Rules of Appellate Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. App. P. 36 and 45(b).
- (1) **Leave to File.** If leave of court is required to file a document and the document may be filed electronically under ~~Loe.~~ *Ist Cir.* R. 25.0(b), both the motion and the subject document should be submitted electronically. If leave is granted, an order will issue accepting the filing for docketing.