



PRO SE APPEALS

If the final decision in your case is unfavorable to you, you may wish to appeal. Appeals from cases in the Middle District of Tennessee are considered by the United States Court of Appeals for the Sixth Circuit.

When can I file an appeal?

With some exceptions, only final orders or judgments from the district court may be appealed. See 28 U.S.C. § 1291. This kind of appeal is called an appeal “as of right.”

In some limited circumstances, you may appeal a non-final decision while your case is ongoing. This type of appeal is called an “interlocutory appeal.” The limited circumstances in which you may seek an interlocutory appeal are set forth in 28 U.S.C. § 1292 and in case law. In addition, by way of the collateral order doctrine, you also may appeal from an interlocutory order that conclusively determines an issue wholly separate from the merits of the action and that is unreviewable on appeal from a final judgment.

Is there a time frame within which I must file my appeal?

Yes. An appeal must be filed within 30 days after entry of judgment. An exception is a case involving a party who is the United States, a federal agency, or federal employee; in that instance, an appeal must be filed within 60 days after entry of judgment.

If you miss the deadline, you may file a motion for extension of time. Under certain limited circumstances, the district court may extend the time for filing a notice of appeal. See Federal Rule of Appellate Procedure 4(a). However, there is no guarantee your motion will be granted so you should make every effort to meet the deadline.

Where do I file my appeal?

The notice of appeal must be filed in the district court where the judgment you are appealing was entered.

How do I file my appeal?

A notice of appeal is a one-page document containing your name, a description of the final order or judgment being appealed, and the name of the court to which the appeal is taken (here, the Sixth Circuit Court of Appeals). You can get a blank notice of appeal form from the Clerk’s Office.

How much does it cost to appeal?

The fee for filing a notice of appeal is \$505.00.



What if I can't afford to pay the filing fee?

If you cannot afford to pay the filing fee, you may file an Application to Proceed in District Court Without Prepaying Fees or Costs (also called an "IFP application"). You can get an IFP application from the Clerk's Office.

What if the district court denies my IFP application?

Under Federal Rule of Appellate Procedure 24(a)(5), if the district court denies your motion to proceed IFP on appeal, you may file a motion to proceed in forma pauperis in the Sixth Circuit Court of Appeals. You may ask the Sixth Circuit for a copy of the form you need to file this motion. You must file the motion within 30 days after service of the district court's notice that it denied your application to proceed IFP on appeal.

What happens after I file a notice of appeal?

After a notice of appeal has been filed, the Clerk's Office transmits the appeal and the case file to the Court of Appeals, which opens a new file with a new case number. Once you file a notice of appeal, the district court no longer has jurisdiction over your case. Going forward, you should address all questions regarding your appeal to the Clerk of the Sixth Circuit.

The Clerk's Office for the Sixth Circuit is located at:

United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 E. Fifth Street
Cincinnati, Ohio 45202-3988
Telephone: (513) 564-7000