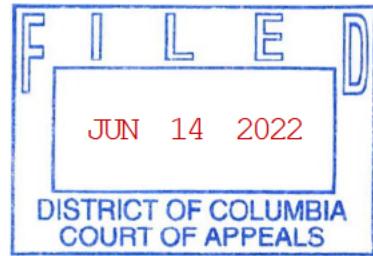


District of Columbia
Court of Appeals

No. M-278-22



BEFORE: Blackburne-Rigsby, Chief Judge; Glickman, Beckwith, Easterly, McLeese, Deahl, Howard, and AliKhan, Associate Judges.

N O T I C E

(FILED – June 14, 2022)

Pursuant to D.C. Code § 11-743 (2012 Repl.), this court must conduct its business according to the Federal Rules of Appellate Procedure, unless the court adopts or prescribes modifications of those rules. Amendments to the Federal Rules of Appellate Procedure have been approved and are scheduled to go into effect in December 2022. Once they go into effect, the amendments would become rules of this court, unless this court decides otherwise. The amendments and related materials are attached to this notice.

First, Fed. R. App. P. 25 has been amended to address an issue involving the Railroad Retirement Board. Because this court does not review decisions of the Railroad Retirement Board, the court is considering not adopting that amendment.

Second, Fed. R. App. P. 42, which governs voluntary dismissal, has been amended in a number of respects. This court's voluntary-dismissal rule is D.C. App. R. 13(b) (attached). R. 13(b) already differs in various respects from Fed. R. App. P. 42. Also, some of the changes to Fed. R. App. P. 42 would have no application to this court. E.g., Fed. R. App. P. 42(a) (referring to circuit clerks), (d) (discussing local court rules). The court is considering not adopting any of the amendments to Fed. R. App. P. 42.

This notice is published to afford interested parties an opportunity to submit written comments concerning the amendments under consideration. Comments must be submitted by August 14, 2022. Comments may be submitted electronically to rules@dcappeals.gov, or in writing, addressed to the Clerk, D.C. Court of

Appeals, 430 E Street, N.W., Washington, D.C. 20001. All comments submitted pursuant to this notice will be available to the public.

PER CURIAM

D.C. App. R. 13(b):

(b) Voluntary Dismissal.

(1) In the Superior Court. Before an appeal has been docketed by the Clerk of this court, the Superior Court may dismiss the appeal on the filing of a stipulation signed by all parties or on the appellant's motion with notice to all parties. A copy of the stipulation, or motion and response, if any, must be served on the Clerk of this court.

(2) In the Court of Appeals. An appeal may be dismissed if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any fees that are due. An appeal may also be dismissed on the appellant's motion on terms agreed to by the parties or fixed by the court. In neither case, however, will a mandate or other process issue without an order of the court.

April 11, 2022

SUPREME COURT OF THE UNITED STATES

ORDERED:

1. The Federal Rules of Appellate Procedure are amended to include amendments to Rules 25 and 42.

[*See infra* pp. _____.]

2. The foregoing amendments to the Federal Rules of Appellate Procedure shall take effect on December 1, 2022, and shall govern in all proceedings in appellate cases thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. THE CHIEF JUSTICE is authorized to transmit to the Congress the foregoing amendments to the Federal Rules of Appellate Procedure in accordance with the provisions of Section 2074 of Title 28, United States Code.

**PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF APPELLATE PROCEDURE**

Rule 25. Filing and Service

(a) Filing.

* * * * *

(5) **Privacy Protection.** An appeal in a case whose privacy protection was governed by Federal Rule of Bankruptcy Procedure 9037, Federal Rule of Civil Procedure 5.2, or Federal Rule of Criminal Procedure 49.1 is governed by the same rule on appeal. In all other proceedings, privacy protection is governed by Federal Rule of Civil Procedure 5.2, except that Federal Rule of Criminal Procedure 49.1 governs when an extraordinary writ is sought in a criminal case. The provisions on remote electronic access in Federal Rule of Civil Procedure

5.2(c)(1) and (2) apply in a petition for review of a benefits decision of the Railroad Retirement Board under the Railroad Retirement Act.

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Rule 42. Voluntary Dismissal

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(b) Dismissal in the Court of Appeals.

- (1) **Stipulated Dismissal.** The circuit clerk must dismiss a docketed appeal if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any court fees that are due.
- (2) **Appellant's Motion to Dismiss.** An appeal may be dismissed on the appellant's motion on terms agreed to by the parties or fixed by the court.
- (3) **Other Relief.** A court order is required for any relief under Rule 42(b)(1) or (2) beyond the dismissal of an appeal—including approving a settlement, vacating an action of the district court or an administrative agency, or remanding the case to either of them.

- (c) **Court Approval.** This Rule 42 does not alter the legal requirements governing court approval of a settlement, payment, or other consideration.
- (d) **Criminal Cases.** A court may, by local rule, impose requirements to confirm that a defendant has consented to the dismissal of an appeal in a criminal case.