

TITLE VI. GENERAL PROVISIONS

Rule 25. Filing and Service.

(a) Filing.

(1) Filing with the Clerk. A paper required or permitted to be filed in this court must be filed with the Clerk.

(2) Filing: Method and Timeliness.

(A) In general. Filing may be accomplished by mail addressed to the Clerk, but filing is not timely unless the Clerk receives the papers within the time fixed for filing.

(B) Inmate filing. If an institution has a system designed for legal mail, an inmate confined there must use that system to receive the benefit of this Rule 25 (a)(2)(B). A paper filed by an inmate is timely if it is deposited in the institution's internal mail system on or before the last day for filing and:

(i) it is accompanied by: a declaration in compliance with 28 U.S.C. § 1746—or a notarized statement—setting out the date of deposit and stating that first-class postage is being prepaid; or evidence (such as a postmark or date stamp) showing that the paper was so deposited and that postage was prepaid; or

(ii) the court exercises its discretion to permit the later filing of a declaration or notarized statement that satisfies Rule 25 (a)(2)(B)(I).

(C) A document filed by electronic means in compliance with this court's rules and administrative orders constitutes a paper for the purpose of applying these rules.

(b) Service of All Papers Required. Unless a rule requires service by the Clerk, a party must, at or before the time of filing a paper, serve a copy on the other parties to the appeal or review. Service on a party represented by counsel must be made on the party's counsel.

(c) Manner of Service.

(1) Service may be any of the following:

(A) personal, including delivery to a responsible person at the office of counsel;

(B) by mail;

(C) by third-party commercial carrier for delivery within 3 calendar days;

or

(D) by electronic means, if the party being served consents in writing.

(2) Requests for expedited or emergency consideration by this court must be personally served on all counsel and any party not represented by counsel.

(3) When reasonable, considering such factors as the immediacy of the relief sought, distance, and cost, service on a party must be by a manner at least as expeditious as the manner used to file the paper with the court.

(4) Service by mail or by commercial carrier is complete on mailing or delivery to the carrier. Service by electronic means is complete on transmission, unless the party making service is notified that the paper was not received by the party served.

(5) When authorized to do so under this court's rules and administrative orders, a party may use the court's transmission equipment to make electronic service under Rule 25 (c)(1)(D).

(d) Proof of Service.

(1) A paper presented for filing must contain either of the following:

(A) an acknowledgment of service by the person served; or

(B) proof of service consisting of a statement by the person who made service certifying:

(i) the date and manner of service;

(ii) the names of the persons served; and

(iii) the mail or electronic addresses, facsimile numbers, or addresses of the places of delivery, as appropriate for the manner of service.

(2) Proof of service may appear on or be affixed to the papers filed.

(e) Non-acceptance of Papers by Clerk. If any paper is not accepted by the Clerk for filing, the Clerk must promptly notify the persons named in the certificate of service.