

Proposed Amendment to Circuit Rule 35

(New language is marked by underlining; deletions are marked by strike-outs.)

Circuit Rule 35

Petition for Panel Rehearing and Petition for Hearing or Rehearing En Banc

(a) Time Within Which to File. ~~A petition for panel rehearing or a petition for rehearing en banc, in a case in which neither the United States nor an agency or officer thereof is a party, must be filed within 30 days after entry of judgment or other form of decision. In all cases in which the United States or an agency or officer thereof is a party~~ is one of those listed in FRAP 40(a)(1)(A) - (D), the time within which any party may seek panel rehearing or rehearing en banc is 45 days after entry of judgment or other form of decision. In all other cases, any petition for panel rehearing or petition for rehearing en banc must be filed within 30 days after entry of judgment or other form of decision. The time for filing a petition for panel rehearing or rehearing en banc will not be extended except for good cause shown.
