

/\* The final part of U.S. Supreme Court rules follows. \*/

## Rule 30. Computation and Enlargement of Time

.1. In computing any period of time prescribed or allowed by these Rules, by order of the Court, or by an applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, a Sunday, a federal legal holiday, or a day on which the Court building has been closed by order of the Court or the Chief Justice, in which event the period extends until the end of the next day which is not a Saturday, a Sunday, a federal legal holiday, or a day on which the Court building has been closed. See 5 USC Section 6103 for a list of federal legal holidays.

.2. Whenever a Justice of this Court or the Clerk is empowered by law or these Rules to extend the time for filing any document or paper, an application seeking an extension must be presented to the Clerk within the period sought to be extended. However, an application for an extension of time to file a petition for a writ of certiorari or to docket an appeal must be submitted at least 10 days before the final filing date, the application will not be granted except in the most extraordinary circumstances.

.3. An application to extend the time within which a party may file a petition for a writ of certiorari or docket an appeal shall be presented in the form prescribed by Rules 13.6 and 18.3 respectively. An application to extend the time within which to file any other document or paper may be presented in the form of a letter to the Clerk setting forth with specificity the reasons why the granting of an extension of time is justified. Any application seeking an extension of time must be presented and served upon all other parties as provided in Rule 22, and, once denied, may not be renewed.

.4. An application to extend the time for filing a brief, motion, joint appendix, or other paper, for designating parts of a record to be printed in the appendix, or for complying with any other time limit provided by these Rules (except an application for an extension of time to file a petition for a writ of certiorari, to docket an appeal, to file a reply brief on the merits, to file a petition for rehearing, or to issue a mandate forthwith) shall in the first instance be acted upon by the Clerk, whether addressed to the Clerk, to the Court, or to a Justice. Any party aggrieved by the Clerk's action on an application to extend time may request that it be submitted to a Justice or to the Court. The Clerk shall report action under this Rule of the Court in accordance with instruction that may be issued by the Court.

## Rule 31. Translations

Whenever any record to be transmitted to this Court contains any material written in a foreign language without a translation made under the authority of the lower court, or admitted to be correct, the clerk of the court transmitting the record shall immediately advise the Clerk of this Court to the end that this Court may order that a translation be supplied and, if necessary, printed as a part of the joint appendix.

## Rule 32. Printing Requirements

.1. (a) Except for papers permitted by Rules 21, 22, and 39 to be submitted in typewritten form (see

Rule 34), every document filed with the Court must be printed by a standard typographic printing process or be typed and reproduced by offset printing, photocopying, computer printing, or similar process. The process used must product a clear, black image on white paper. In an original action under Rule 17, 60 copies of every document printed under this Rule must be filed; in all other cases, 40 copies must be filed.

(b) The text of every document, including any appendix thereto, produced by standard typographic printing must appear in print as 11-point or larger type with 2-point or more leading between lines. The print size and typeface of the United States Reports from Volume 453 to date are acceptable. Similar print size and typeface should be standard throughout. No attempt should be made to reduce or condense the typeface in a manner that would increase the content of a document. Footnotes must appear in print as 9-point or larger type with 2-point or more leading between lines. A document must be printed on both sides of the page.

(c) The text of every document, including any appendix thereto, printed or duplicated by any process other than standard typographic printing shall be done in pica type at no more than 10 characters per inch. The lines must be double spaced. The right-hand margin need not be justified, but there must be a margin of at least three-fourths of an inch. In footnotes, elite type at no more than 12 characters per inch may be used. The document should be printed on both sides of the page, if practicable. It shall not be reduced in duplication. A document which is photographically reduced so that the print size is smaller than pica type will not be received by the Clerk.

(d) Whether printed under subparagraph (b) or (c) of this paragraph, every document must be produced on opaque, unglazed paper 6 1/8 by 9 1/4 inches in size, with type matter approximately 4 1/8 by 7 1/8 inches and margins of at least three-fourths of an inch on all sides. The document must be firmly bound in at least two places along the left margin (saddle stitch or perfect binding preferred) so as to make an easily opened volume, and not part of the text shall be obscured by the binding. Spiral and other plastic bindings may not be used. Appendices in patent cases may be duplicated is such size as is necessary to utilize copies of patent documents.

.2. Every document must bear on the cover, in the following order, from the top of the page: (1) the number of the case or, if there is none, a space for one; (2) the name of this Court; (3) the Term; (4) the caption of the case as appropriate in this Court; (5) the nature of the proceeding and the name of the court from which the action is brought (e.g., "Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit"; or, for a merits brief, "On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit"); (6) the title of the paper (e.g. "Petition for Writ of Certiorari," "Brief for Respondent," "Joint Appendix"); (7) the name of the member of the Bar of this Court who is counsel of record for the party concerned, and upon whom service is to be made, with a notation directly thereunder that the attorney is the counsel of record together with counsel's office address and telephone number. (There can be only one counsel of record noted on a single document.) The individual names of other members of the Bar of this Court, or of the Bar of the highest court of a State, and, if desired, their post office addresses, may be added, but counsel of record must be clearly identified. Names of persons other than attorneys admitted to a state Bar may not be listed. The foregoing must be displayed in an appropriate typographic manner and, except for the

identification of counsel, may not be set in type smaller than 11-point or uppercase pica.

.3. Every document produced under this Rule shall comply with the page limits shown below and shall have a suitable cover consisting of heavy paper in the color indicated. Counsel must be certain that there is adequate contrast between the printing and the color of the cover.

Type of Document	Page Limits	Typo- graphic Printing	Typed and Double Spaced	Color of the Cover
a. Petition for a Writ of Certiorari (Rule 14.4); Jurisdictional Statement (Rule 18.3); or Petition for an Extraordinary Writ (Rule 20.2)	30	65		White
b. Brief in Opposition (Rule 15.3); Motion to Dismiss or Affirm (Rule 18.6); Brief in Opposition to Mandamus or Response to a Petition for Habeas Corpus (Rule 20.4)	30	65		Orange
c. Reply to brief in Opposition (Rule 15.6); or Brief Opposing a Motion to Dismiss or Affirm (Rule 18.8)		10	20	Tan
d. Supplemental Brief (Rules 15.7 and 18.9)		10	20	Tan
e. Brief on the Merits by Petitioner or Appellant (Rule 24.3)		50	110	Light Blue
f. Brief on the Merits by Respondent or Appellee (Rule 24.3)		50	110	Light Red
g. Reply Brief on the Merits (Rule 24.4)		20	45	Yellow
h. Brief of an Amicus Curiae at the Petition State (Rule 37.2)		20	45	Cream

i. Brief of an Amicus Curiae on the Merits in Support of the Petitioner or Appellant or in Support of Neither Party (Rule 37.3)	30	65	Pastel or Pale Green
j. Brief of an Amicus Curiae on the Merits in Support of the Respondent or Appellee (Rule 37.3)	30	65	Green
k. Petition for Rehearing (Rule 44)	10	20	Tan

The above page limitations are exclusive of the questions presented page, the subject index, the table of authorities, and the appendix. Verbatim quotations required by Rule 14.1(f), if set forth in the text of the brief rather than the appendix, are also excluded. A motion for leave to file a brief amicus curiae filed pursuant to Rule 37 must be printed with the brief.

A document filed by the United States, by any department, office, or agency of the United States, or by any officer or employee of the United States represented by the Solicitor General shall have a gray cover.

A joint appendix and any other document shall have a tan cover.

In a case filed under the original jurisdiction of the Court, the initial pleading and motion for leave to file and any accompanying brief shall have white covers. A brief in opposition to the motion for leave to file shall have an orange cover; exception to the report of a special master shall have a light blue cover, if filed by the plaintiff, and a light red cover, if filed by any other party; and a reply brief to any exceptions shall have a yellow cover.

4. The Court or a Justice, for good cause shown, may grant leave to file a document in excess of the page limits, but these applications are not favored. An application to exceed page limits shall comply in all respects with Rule 22 and must be submitted at least 15 days before the filing date of the document in question, except in the most extraordinary circumstances.

/\* In virtually every case the court will deny such a motion. \*/

5. Every document which exceeds five pages (other than a single joint appendix) shall, regardless of the method of duplication, contain a table of contents and a table of authorities (i.e. cases alphabetically arranged, constitutional provisions, statutes, textbooks, etc.) with correct references to the pages in the document where they are cited.

6. The body of every document at its close shall bear the name of counsel of record and such other counsel, identified on the cover of the document in conformity with paragraph .2(7) of this

Rule, as may be desired. One copy of every motion or application (other than a motion to dismiss or affirm under Rule 18) must in addition be signed by counsel of record at the end thereof.

.7. The Clerk shall not accept for filing any document presented in a form not in compliance with this Rule, but shall return it indicating to the defaulting party any failure to comply. The filing, however, shall not thereby be deemed untimely provided that new and proper copies are promptly substituted. If the Court finds that the provisions of this Rule have not been adhered to, it may impose, in its discretion, appropriate sanctions including but not limited to dismissal of the action, imposition of costs, or disciplinary sanction upon counsel.

#### Rule 34. Form of Typewritten Papers

.1. Any paper specifically permitted by these Rules to be presented to the Court without being printed shall, subject to Rule 39.3, be typewritten on opaque, unglazed paper 8 1/2 by 11 inches in size and shall be stapled or bound at the upper left hand corner. The typed matter, except quotations, must be double spaced. Copies, if required, must be produced on the same type of paper. All copies presented to the Court must be legible.

.2. The original of any motion or application (except a motion to dismiss or affirm under Rule 18.6) must be signed in manuscript by the party proceeding pro se or by counsel of record who must be a member of the Bar of this Court.

#### Rule 35. Death, Substitution, and Revivor; Public Officers

.1. In the event a party dies after filing a notice of appeal of this Court, or after filing a petition for a writ of certiorari, the authorized representative of the deceased party may appear and, upon motion, be substituted as a party to the proceeding. If the representative does not voluntarily become a party, any other party may suggest the death on the record and on motion seek an order requiring the representative to become a party within a designated time. If the representative then fails to become a party, the party so moving, if a respondent or appellee, shall be entitled to have the petition for a writ of certiorari or the appeal dismissed or the judgment vacated for mootness, as may be appropriate. A party so moving who is a petitioner or appellant shall be entitled to proceed as in any other case of nonappearance by a respondent or appellee. The substitution of a representative of the deceased, or the suggestion of death by a party, must be made within six months after the death of the party, or the case shall abate.

.2. Whenever a case cannot be revived in the court whose judgment is sought to be reviewed because the deceased party has no authorized representative within the jurisdiction of that court, but does have an authorized representative elsewhere, proceedings shall be conducted as this Court may direct.

.3. When a public officer, who is a party to a proceeding in this Court in an official capacity, dies, resigns, or otherwise ceases to hold office, the action does not abate and any successor in office is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded.

.4. A public officer who is a party to a proceeding in this Court in an official capacity may be described as a party by the officer's official title rather than by name, but the Court may require the name to be added.

#### Rule 36. Custody of Prisoners in Habeas Corpus Proceedings

.1. Pending review in this Court of a decision in a habeas corpus proceeding commenced before a court, Justice, or judge of the United States, the person having custody of the prisoner shall not transfer custody to another person unless the transfer is authorized in accordance with the provisions of this Rule.

.2. Upon application by a custodian showing a need therefor, the court, Justice, or judge rendering the decision under review may authorize transfer and the substitution of a successor custodian as a party.

.3. (a) Pending review of a decision failing or refusing to release a prisoner, the prisoner may be detained in the custody from which release is sought or in other appropriate custody or may be enlarged upon personal recognizance or bail, as may appear fitting to the court, Justice or judge rendering the decision, or to the court of appeals or to this Court or to a judge or Justice of either court.

(b) Pending review of a decision ordering release, the prisoner shall be enlarged upon personal recognizance or bail, unless the court, Justice, or judge rendering the decision, or the court of appeals, or this Court, or a judge or Justice of either court, shall otherwise order.

/\* One of the few times that the lower Courts have jurisdiction to act on the case. \*/

.4. An initial order respecting the custody or enlargement of the prisoner, and any recognizance or surety taken, shall continue in effect pending review in the court of appeals and in this Court unless for reasons shown to the court of appeals or to this Court, or to a judge or Justice of either court, the order is modified or an independent order respecting custody, enlargement, or surety is entered.

#### Rule 37. Brief of an Amicus Curiae

.1. An amicus curiae brief which brings relevant matter to the attention of the Court that has not already been brought to its attention by the parties is of considerable help to the Court. An amicus brief which does not serve this purpose simply burdens the staff and facilities of the Court and its filing is not favored.

.2. A brief of an amicus curiae submitted prior to the consideration of a petition for a writ of certiorari or a jurisdictional statement, accompanied by the written consent of all parties, may be filed only if submitted within the time allowed for filing a brief in opposition to the petition for a writ of certiorari or for filing a motion to dismiss or affirm. A motion for leave to file a brief amicus curiae when consent has been refused is not favored. Any such motion must be filed within the time allowed for filing of the brief amicus curiae, must indicate the party or parties

who have refused consent, and must be printed with the proposed brief. The cover of the brief must identify the party supported.

.3. A brief of an amicus curiae in a case before the Court for oral argument may be filed when accompanied by the written consent of all parties and presented within the time allowed for the filing of the brief of the party supported, or, if in support of neither party, with the time allowed for filing the petitioner's or appellant's brief. A brief amicus curiae must identify the party supported or indicate whether it suggest affirmance or reversal, and must be as concise as possible. No reply brief of an amicus curiae and no brief of an amicus curiae in support of a petition for rehearing will be received.

.4. When consent to the filing of a brief of an amicus curiae in a case before the Court for oral argument is refused by a party to the case, a motion for leave to file indicating the party or parties who have refused consent, accompanied by the proposed brief and printed with in, may be presented to the Court. A motion shall concisely state the nature of the applicant's interest and set forth facts or questions of law that have not been, or reasons for believing that they will not be, presented by the parties and their relevancy to the disposition of the case. The motion may in no event exceed five pages. A party served with the motion may file an objection thereto concisely stating the reasons for withholding consent which must be printed in accordance with Rule 33. The cover of an amicus brief must identify the party supported or indicate whether it support affirmance or reversal.

.5. Consent to the filing of a brief of an amicus curiae is not necessary when the brief is presented on behalf of the United States by the Solicitor General; on behalf of any agency of the United States authorized by law to appear on its own behalf when submitted by the agency's authorized legal representative; on behalf of a State, Territory, or Commonwealth when submitted by its Attorney General; or on behalf of a political subdivision of a State, Territory, or Commonwealth when submitted by its authorized law officer.

.6. Every brief or motion filed under this Rule must comply with the applicable provisions of Rules 21, 24, and 33 (except that it shall be sufficient to set forth in the brief the interest of the amicus curiae, the argument, the summary of the argument, and the conclusion); and shall be accompanied by proof of service as required by Rule 29.

## Rule 38. Fees

In pursuance of 28 USC Section 1911, the fees to be charged by the Clerk are fixed as follows:

(a) For docketing a case on a petition for a writ of certiorari or on appeal or docketing any other proceeding, except a certified question or a motion to docket and dismiss an appeal pursuant to Rule 18.5, \$300.00.

(b) For filing a petition for rehearing or a motion for leave to file a petition for rehearing, \$200.00.

(c) For the reproduction and certification of any record or paper, \$1.00 per page; and for comparing with the original thereof any photographic reproduction of any record or paper, when

furnished by the person requesting its certification, \$.50 per page.

(d) For a certificate under seal, \$25.00.

(e) For a check paid to the Court, Clerk, or Marshal which is returned for lack of funds, \$35.00.

#### Rule 39. Proceedings in Forma Pauperis

.1. A party desiring to proceed in forma pauperis shall file with the pleading a motion for leave to proceed in forma pauperis, together with the party's notarized affidavit or declaration (in compliance with 28 USC Section 1746) in the form prescribed by the Federal Rules of Appellate Procedure, Form 4. See 28 USC Section 1915. If the United States district court or the United States court of appeals has appointed counsel under the Criminal Justice Act of 1964, as amended, the party need not file an affidavit or declaration in compliance with 28 USC Section 1746, but the motion must indicate that counsel was appointed under the Criminal Justice Act. See 18 USC Section 3006A(d)(6). The motion shall also state whether or not leave to proceed in forma pauperis was sought in any other court and, if so, whether leave was granted.

.2. The motion, and affidavit or declaration if required, must be filed with the petition for a writ of certiorari, jurisdictional statement, or petition for an extraordinary writ, as the case may be, and shall comply in every respect with Rule 21, except that it shall be sufficient to file a single copy. If not received together, the documents will be returned by the Clerk.

.3. Every paper or document presented under this Rule must be clearly legible and, whenever possible, must comply with Rule 34. While making due allowance for any case presented under this Rule by a person appearing pro se, the Clerk will refuse to receive any document sought to be filed that does not comply with the substance of these Rules, or when it appears that the document is obviously and jurisdictionally out of time.

.4. When the papers required by paragraphs .1 and .2 of this Rule are presented to the Clerk, accompanied by proof of service as prescribed by Rule 29, they are to be placed on the docket without the payment of a docket fee or any other fee.

.5. The respondent or appellee in a case filed in forma pauperis may respond in the same manner and within the same time as in any other case of the same nature, except that the filing of 12 copies of a typewritten response, with proof of service as required by Rule 29, will suffice whenever the petitioner or appellant has filed typewritten papers. The respondent or appellee may challenge the grounds for the motion to proceed in forma pauperis in a separate document or in the response itself.

.6. Whenever the Court appoints a member of the Bar to serve as counsel for an indigent party in a case set for oral argument, the briefs prepared by that counsel, unless otherwise requested, will be printed under the supervision of the Clerk. The Clerk will also reimburse appointed counsel for any necessary travel expenses to Washington, D. C., and return in connection with the argument.



.7. In a case in which certiorari has been granted or jurisdiction has been noted or postponed, this Court may appoint counsel to represent a party financially unable to afford an attorney to the extent authorized by the Criminal Justice Act of 1964, as amended, 18 USC Section 3006A.

.8. If satisfied that a petition for a writ of certiorari jurisdictional statement, or petition for an extraordinary writ, as the case may be, is frivolous or malicious, the court may deny a motion to leave to proceed in forma pauperis.

(Amended July 1, 1991.)

#### Rule 40. Veteran, Seamen, and Military Cases

.1. A veteran suing to establish reemployment rights under 38 USC Section 2022, or under any other provision of law exempting a veteran from the payment of fees or court costs, may file a motion to proceed upon typewritten papers under Rule 34, except that the motion shall ask leave to proceed as a veteran, and the affidavit shall set forth the moving party's status as a veteran.

.2. A seaman suing pursuant to 28 USC Section 1916 may proceed without the prepayment of fees or costs or furnishing security therefor, but a seaman is not relieved of printing costs nor entitled to proceed on typewritten papers.

.3. An accused person petitioning for a writ of certiorari to review a decision of the United States Court of Military Appeals pursuant to 28 USC Section 1259 may proceed without the prepayment of fees or cost s or furnishing security therefor and without filing an affidavit of indigency, but is not relieved of the printing requirements under Rule 33 and is not entitled to proceed on typewritten papers except as authorized by the Court on separate motion.

### PART VIII. DISPOSITION OF CASES

#### Rule 41. Opinions of the Court

Opinions of the Court will be released by the Clerk in preliminary form immediately upon delivery. Thereafter the Clerk shall cause the opinions of the Court to be issued in slip form and shall deliver them to the Reporter of Decisions who shall prepare them for publication in the preliminary prints and bound volumes of the United States Reports.

#### Rule 42. Interest and Damages

.1. If a judgment for money in a civil case is affirmed, whatever interest is allowed by law shall be payable from the date the judgment below was entered. If a judgment is modified or reversed with a direction that a judgment for money be entered below, the mandate will contain instructions with respect to the allowance of interest. Interest will be allowed at the same rate that similar judgments bear interest in the courts of the State in which judgment was entered or was directed to be entered.

.2. When a petition for a writ of certiorari, an appeal, or application for other relief is frivolous, the Court may award the respondent or appellee just damages and single or double costs.

Damages or costs may be awarded against the petitioner, appellant, or applicant, or against the party's attorney or against both.

#### Rule 43. Costs

.1. If a judgment or decree is affirmed by this Court, costs shall be paid by the petitioner or appellant, unless otherwise ordered by the Court.

.2. If a judgment or decree is reversed or vacated by this Court, costs shall be allowed to the petitioner or appellant, unless otherwise ordered by the Court.

.3. The fees of the Clerk and the costs of printing the joint appendix are the only taxable items in this Court. The cost of the transcript of the record from the court below is also a taxable item, but shall be taxable in that court as costs in the case. The expenses of printing briefs, motions, petitions, or jurisdictional statements are not taxable.

.4. In a case involving a certified question, costs shall be equally divided unless otherwise ordered by the Court; but if a decision is rendered on the whole matter in controversy, see Rule 19.2, costs shall be allowed as provided in paragraph .1 and .2 of this Rule.

.5. In a civil action commenced on or after July 18, 1966, costs under this Rule shall be allowed for or against the United States, or an officer or agent thereof, unless expressly waived or otherwise ordered by the Court. See 28 USC Section 2412.

.6. When costs are allowed in this Court, the Clerk shall insert an itemization of the costs in the body of the mandate or judgment sent to the court below. The prevailing side shall not submit a bill of costs.

.7. If appropriate, the Court may adjudge double costs.

#### Rule 44. Rehearing

.1. A petition for the rehearing of any judgment or decision of the Court on the merits shall be filed within 25 days after the entry of the judgment or decision, unless the time is shortened or enlarged by the Court or a Justice. Forty printed copies, produced in conformity with Rule 33, must be filed (except when the party is proceeding in forma pauperis under Rule 39), accompanied by proof of service as prescribed by Rule 29 and the filing fee required by Rule 38. The petition must briefly and distinctly state its grounds. Counsel must certify that the petition is presented in good faith and not for delay; one copy of the certificate shall bear the manuscript signature of counsel. A petition for rehearing is not subject to oral argument, and will not be granted except at the instance of a Justice who concurred in the judgment or decision and with the concurrence of a majority of the Court.

.2. A petition for the rehearing of an order denying a petition for a writ of certiorari shall be filed within 25 days after the date of the order of denial and shall comply with all the form and filing requirements of paragraph .1 of this Rule, including the payment of the filing fee is required, but its grounds must be limited to intervening circumstances of a substantial or controlling effect or

to other substantial grounds not previously presented. Counsel must certify that the petition is restricted to the grounds specified in this paragraph and that it is presented in good faith and not for delay. One copy of the certificate shall bear the manuscript signature of counsel or of a party not represented by counsel. A petition without a certificate shall be rejected by the Clerk. The petition is not subject to oral argument.

.3. No response to a petition for rehearing will be received unless requested by the Court, but no petition will be granted without an opportunity to submit a response.

.4. Consecutive petitions and petitions that are out of time under this Rule will not be received.

#### Rule 45. Process; Mandates

.1. All process of this Court shall be in the name of the President of the United States.

.2. In a case coming from a state court, the mandate shall issue 25 days after the entry of judgment, unless the time is shortened or enlarged by the Court or a Justice, or unless the parties stipulate that it be issued sooner. The filing of a petition for rehearing, unless otherwise ordered, will stay the mandate until disposition of the petition. If the petition is then denied, the mandate shall issue forthwith.

.3. In a case coming from a United States court, a formal mandate will not issue unless specially directed; instead, the Clerk will send the court a copy of the opinion or order of this Court and a certified copy of the judgment (which shall include provisions for the recovery of costs, if any are awarded). In all other respects, the provisions of paragraph .2 of this Rule apply.

#### Rule 46. Dismissing Cases

.1. Whenever all parties, at any stage of the proceedings, file with the Clerk an agreement in writing that a case be dismissed, specifying the terms with respect to the payment of costs, and pay to the Clerk any fees that may be due, the Clerk, without further reference to the Court, shall enter an order of dismissal.

.2. (a) A petitioner or appellant in a case in this Court may file a motion to dismiss the case, with proof of service as prescribed by Rule 29, and must tender to the Clerk any fees and costs payable. An adverse party may, within 15 days after service thereof, file an objection, limited to the quantum of damages and costs in this Court alleged to be payable, or, in a proper case, to a showing that the moving party does not represent all petitioner or appellants. The Clerk will refuse to receive any objection not so limited.

(b) When the objection goes to the standing of the moving party to represent the entire side, the party moving for dismissal, within 10 days thereafter, may file a reply, after which time the matter shall be submitted to the Court for its determination.

(c) If no objection is filed, or if upon objection going only to the quantum of damages

and costs in this Court, the party moving for dismissal, within 10 days thereafter, tenders the whole of such additional damages and cost demanded, the Clerk, without further reference to the Court, shall enter an order of dismissal. If, after objection as to the quantum of damages and costs in this Court, the moving party does not respond with a tender within 10 days, the Clerk shall report the matter to the Court for its determination.

.3. No mandate or other process shall issue on a dismissal under this Rule without an order of the Court.

#### PART IX. APPLICATION OF TERMS AND EFFECTIVE DATE

##### Rule 47. Term "State Court"

The term "state court" when used in these Rules includes the District of Columbia Court of Appeals and the Supreme Court of the Commonwealth of Puerto Rico. See 18 USC Section 1257 and 1258. References in these Rules to the common law and statutes of a State include the common law and statutes of the District of Columbia and of the Commonwealth of Puerto Rico.

##### Rule 48. Effective Date of Amendments

These Rules adopted December 5, 1989, shall be effective January 1, 1990.