ACMS

Portal Instructions

Operable since October 2020, the Appellate Case Management System, or ACMS, a joint venture between the Second and Ninth Circuit Courts of Appeals, has greatly enhanced public access to the courts. Filers have an easy-to-use portal interface that will guide them through the process of filing papers with the court.

As of October 2023, all new cases are filed and managed through the ACMS Portal. For cases filed directly with the court of appeals, ACMS will re-direct those paying by credit card to pay.gov. Once all payment information is entered, the papers will be filed with the court. Filers paying by check, those who intend to file a motion to proceed *in forma pauperis*, or those who may be able to pay the fee after the case is opened should select <u>File With Court Without Fee Payment</u>. Where applicable, litigants may also pay the fee within 14 days once a case is opened; see Part IV below. Litigants who file a notice of appeal in the district court will see their cases in the ACMS portal once the Clerk's Office opens the appeal and assigns it a case number.

ACMS sends notices of docket activity ("NDA") e-mails with links to case filings. Once a case is opened, filers will also see a direct link to the case in PACER. The email NDAs will come from is acms@ca2.fedcourts.us. Make sure your email application does not filter it to spam.

Optimal browsers for ACMS are Chrome, Edge, and Firefox.

Make sure your PACER account is upgraded to NextGen before logging for the first time. If you encounter any filing issues, clear your browser's cache and try again.

These instructions are divided into four parts:

- (I) FILING A NEW PFR, COUNSELED ORIGINAL PROCEEDING, OR PETITION FOR LEAVE TO APPEAL
- (II) NON-PARTY FILINGS, INCLUDING AMICI AND INTERVENORS
- (III) SUBMITTING A NEW FILING
- (IV) PAYING THE FEE AFTER FILING
- (V) REGISTERING FOR CASES OF INTEREST

Review all relevant sections before submitting your initial filing.

Follow this link to the ACMS E-Filer Portal. It will take you to the PACER sign-on screen.



Click Sign In and the system will redirect you to PACER.



Enter your PACER credentials in the normal course and click <u>Login</u>. You will be routed to the ACMS e-filer portal.



A few trouble-shooting tips in case you encounter first-time login issues:

- Clean your browser cache. Sometimes there are older, cached versions of ACMS or PACER that could lead to an error. After you clear your cache, close your browser and re-open. Restart your computer if necessary.
- Double check your PACER registration with the Second Circuit NextGen is active.
- Try another browser. ACMS works optimally in Chrome, Firefox, and Edge.
 Make sure you have the latest version of the browser you are using.
- Sometimes employers' systems have restrictions on web-based programs. Try
 filing from a non-work computer or even your mobile device if you encounter
 problems.
- Wait and try again later.

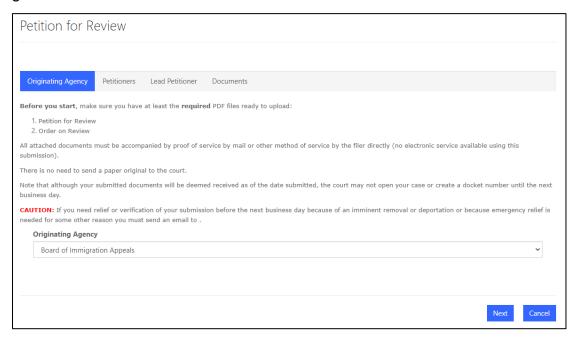
FILING A NEW PFR, COUNSELED ORIGINAL PROCEEDING, OR PETITION FOR LEAVE TO APPEAL

To file a new Petition for Review of an agency order or Original Proceeding, select Create a New Action



Depending on your selection, a new screen will open at which point you start the process. Follow the instructional materials and make sure you have the proper documentation. To file a non-immigration Petition for Review, select Agency Petition for Review. For Writs of Mandamus, Prohibition, or Petitions for Leave to Appeal, select Original Proceedings.

Immigration:



Other Agency:

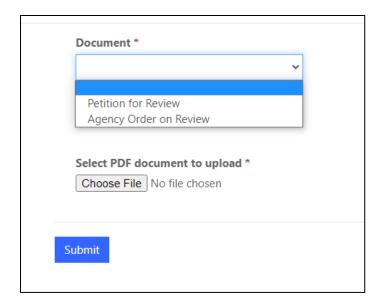


Original Proceedings:

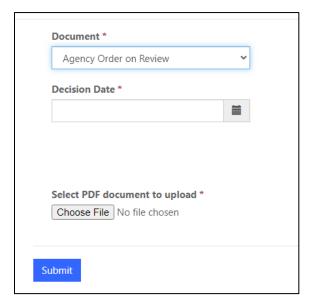


The system will present you with the next steps for submitting your filing. For **Immigration Petitions for Review** will see the following screens:

- The petitioner's information. Click <u>Add Petitioner</u>. A new window will open. Enter the petitioner details and click <u>Submit</u>. If there are multiple petitioners, repeat this step. When all petitioners are entered, click <u>Next</u>.
- Attach Documents. Attach the Petition for Review and Agency Order on Review.
 Click <u>Attach Document</u>. From here, select the document you wish to upload.



Be sure to upload both the Petition for Review and Agency Order on Review as separate documents. To upload, select <u>Choose File</u> and upload the appropriate document. For the Agency Order on Review, you will be prompted to enter the decision date before uploading the document. Once your document is uploaded, click <u>Submit</u>.



• Fee Payment. The system will take you back to the list of documents you are filing, at which point you can file with or without fee payment.



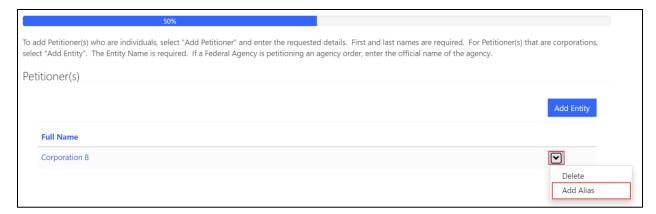
If you select <u>File With Fee Payment</u>, the system will re-direct you to pay.gov before it is submitted to the court. If you select <u>File Without Fee Payment</u>, the petition will be filed with the court. The system will then return you to your home screen, where you will now see your filed petition under the "My Unopened Cases" tab. Once the Clerk's Office opens the case and assigns a Case Number, the petition will appear under the "My Cases" tab.



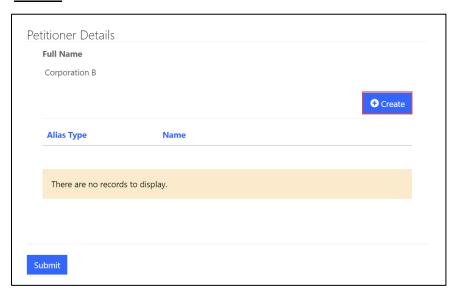
Once opened, click on the <u>Case Number</u> and the system will bring you to the Case Details screen. Here, you will see general information about the case, any relevant deadlines, case participants, and the docket sheet.

Filers submitting Non-Immigration Petitions for Review or Original Proceedings, including Petitions for leave to appeal will see the following screens:

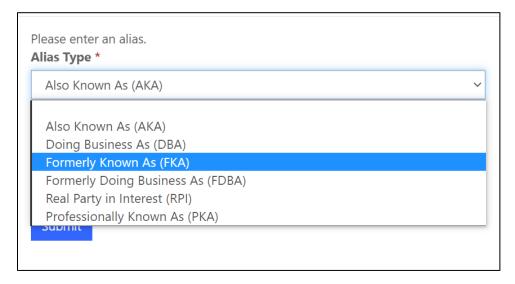
- Originating Agency: Select the originating agency of whose decision the petition is seeking review.
- Petitioner Type: Select the type of petitioner filing, i.e. Individual, Corporation/Entity, Government Agency
 - o If the petitioner is an individual, enter the petitioner's information
 - If the petitioner is a corporation or other entity, enter the official name of the corporation/entity
 - o If a federal agency is petitioning, enter the official name of the agency
- The petitioner's information. Click <u>Add Petitioner</u>. A new window will open. Enter
 the petitioner details and click <u>Submit</u>. If there are multiple petitioners, repeat this
 step. If you need to enter an alias, select the down arrow at the right-side of the
 row.



Select Create.



If applicable, enter the type of alias and any relevant information.



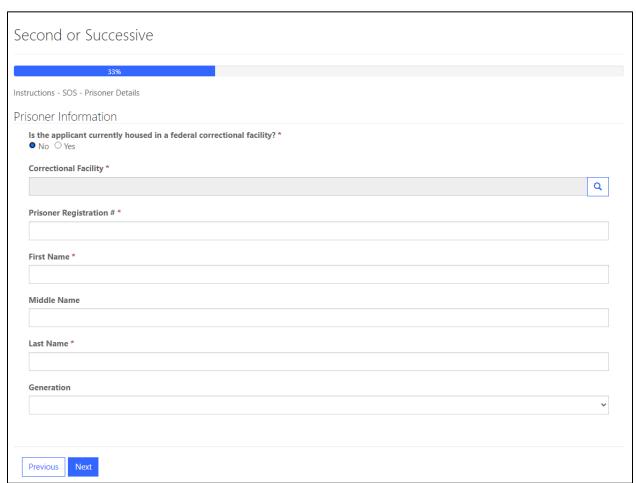
When all petitioners are entered, click Next.

 Attach Documents. Attach the Petition for Review and Agency Order on Review. Click <u>Attach Document</u>. From here, you will be prompted to select the document you wish to upload. For the Agency Order, you must select the date the order was issued.

When the above is complete, ACMS will provide a summary page, at which point the filer can submit to the court with or without fee payment. See above for payment instructions.

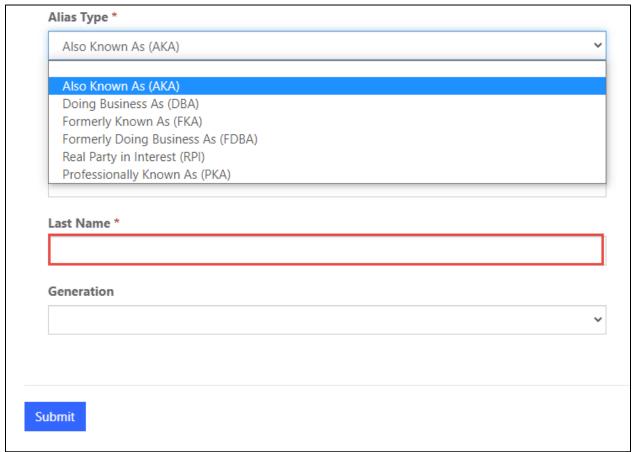
Counsel submitting **Second or Successive Habeas Applications** will be presented with the following screens:

- Conviction Type. Select State or Federal from the drop-down menu
- Origin. Select the U.S. District Court of origin. Enter the originating case number as well.
- Applicant/Prisoner Information. Enter the applicant's information. Be sure to
 indicate whether the applicant is in a federal or state facility. There is a search
 box in which you can search all prisons within the circuit and select ones outside
 of it. If a prison is not listed, contact the help desk.



Click <u>Add Alias</u> to enter an alias, if any. When entering alias information, be sure to include the type of alias. If there is only a one-name alias, enter it in the last name field.





- Attach Document. The attach document screen functions the same regardless of case type. The difference is that the documents you can select are different.
 Select <u>Second or Successive Application Filed</u>. Upload the document and click Submit. The click Next.
- Review screen. Review the information and click <u>File with Court</u>.

NON-PARTY FILINGS, INCLUDING AMICI AND INTERVENORS

A. Notice of Appearance

Within 14 days after receiving a docketing notice from the circuit clerk assigning a docket number and enclosing a copy of the appellate docket sheet, all parties must file the Acknowledgment and Notice of Appearance Form. Counsel of record listed on the form must be admitted in this court or have pending an application for admission under LR 46.1(a) or (d). 2d. Cir. L.R. 12.3(a).

An attorney appearing for the first time should file a Notice of Appearance for Substitute or Additional Counsel Form by selecting the <u>Notice of Appearance</u> option on the portal home page.



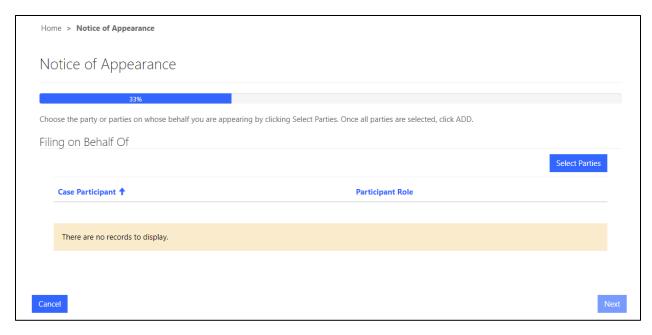
On the opening screen, type in the case number for the case in which you are seeking to appear. Then click the magnifying glass. If the case exists, a message will appear. Click <u>Next</u>.

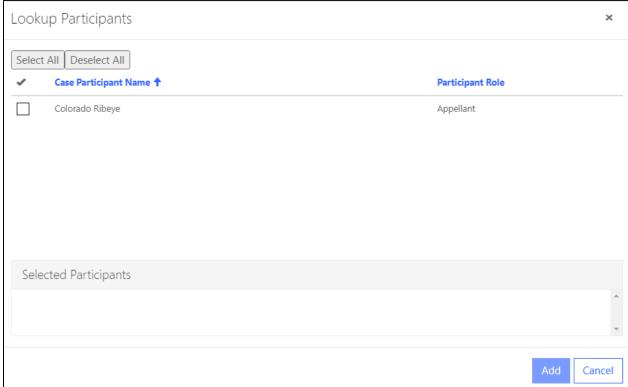


Select the party on whose behalf you are appearing. The roles that appear will depend on the type of case. Click <u>Next</u>.

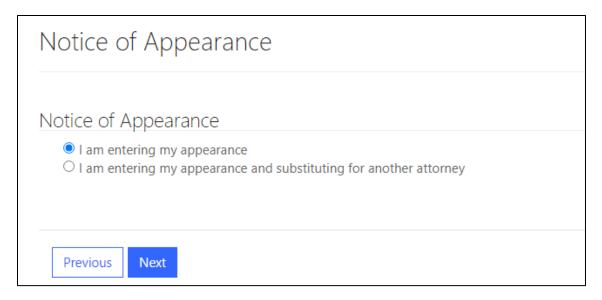


Choose the party or parties for whom you are entering an appearance by clicking "Select Parties". If there are multiple parties, you may select all, some, or one party. Click ADD and verify you have selected the relevant parties.





Select the purpose of the appearance. Click Next.



If you are **<u>substituting</u>** for another attorney, the process is slightly different. First, select that you are entering your appearance and substituting for another attorney.



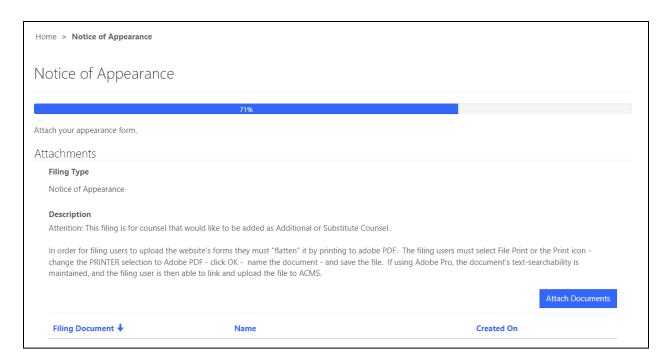
The system will present you with a list of attorneys based on the role you selected in the prior step. You will need to remove the attorneys you are **NOT** replacing, leaving the one you are substituting for on the list. To do so, navigate to the down arrow on the right side of the grid and select "Remove".



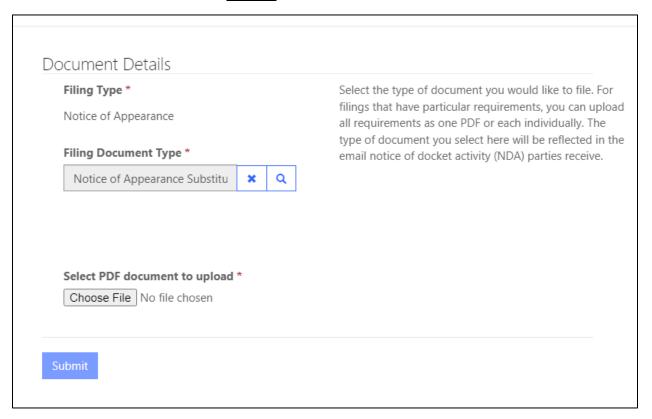
The attorney for whom you are substituting should be the attorney left of the list.



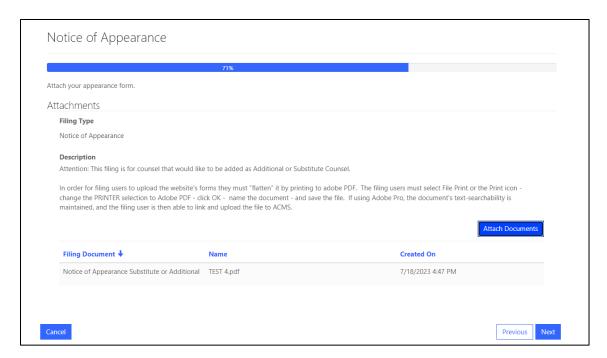
Attach the Notice of Appearance for Substitute, Additional or Amicus Counsel Form by clicking <u>Attach Documents</u>.



A new window will open with a Filing Type and Filing Document Type pre-populated. Select the PDF form and click <u>Submit</u>.



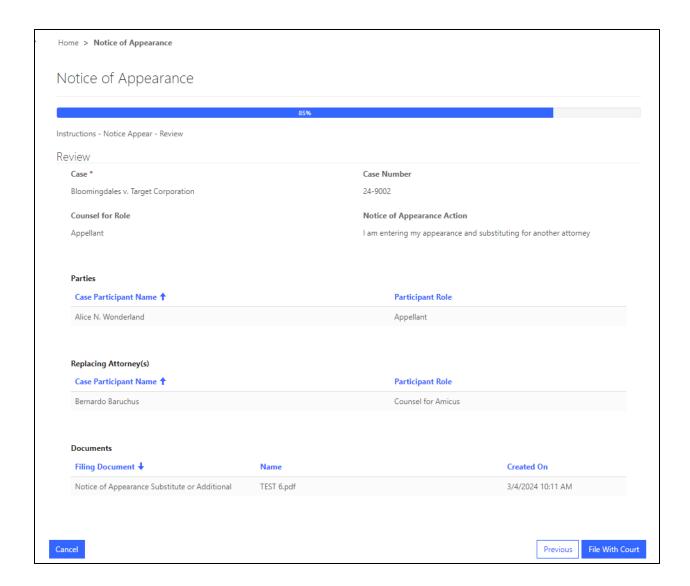
Verify the correct document is being filed and click Next.



Click <u>File With Court</u>. The system will return to the e-filer portal. The case will not appear until under the "My Cases" list until the case manager adds the attorney to the case.

If the party submitting the Notice of Appearance for Substitute or Additional is the same as the party who submitted the original petition, the form will be defected as an incorrect filing type. As noted above, the filing attorney should use the filing process outlined in Part III.

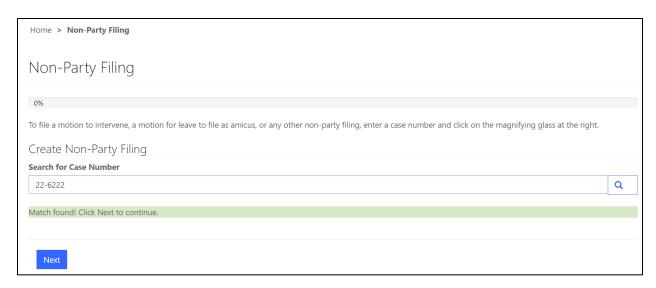
The docket will reflect the new filing. Existing parties and the attorney who submits the filing will receive a NDA that will link to the filing.



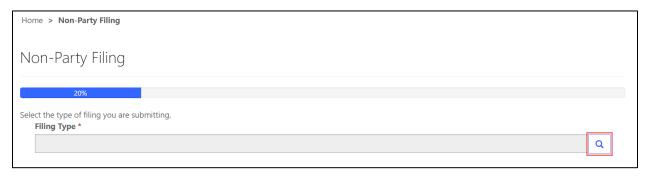
B. Amicus Filings, Intervenors

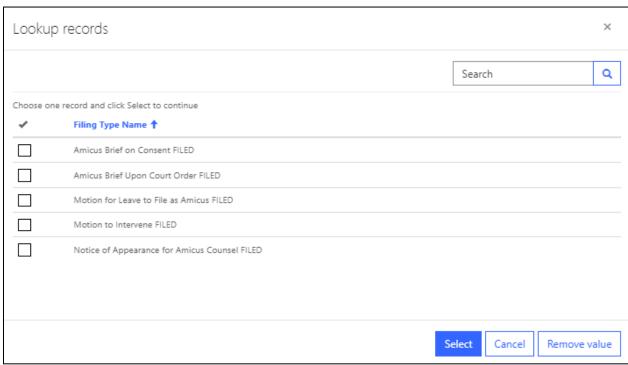
Parties wishing to file motions for leave to file as an amicus party, whether or not on consent, or a motion to intervene, should select "Non-Party Filings" from the ACMS homepage.

Enter the case number in which you would like to participate. Click on the <u>Magnifying</u> <u>Glass</u> and input the case number.



Select the type of filing you would like to make. Click on the <u>Magnifying Glass</u> to the right of the screen to view your options.



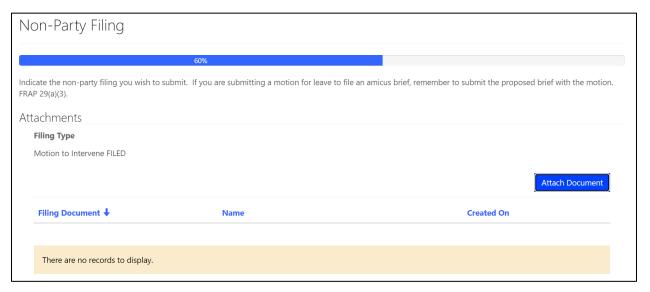


You may only select one filing at a time. Choose your filing and click Select.

Enter the party on whose behalf you are filing and/or in support of which you are filing.



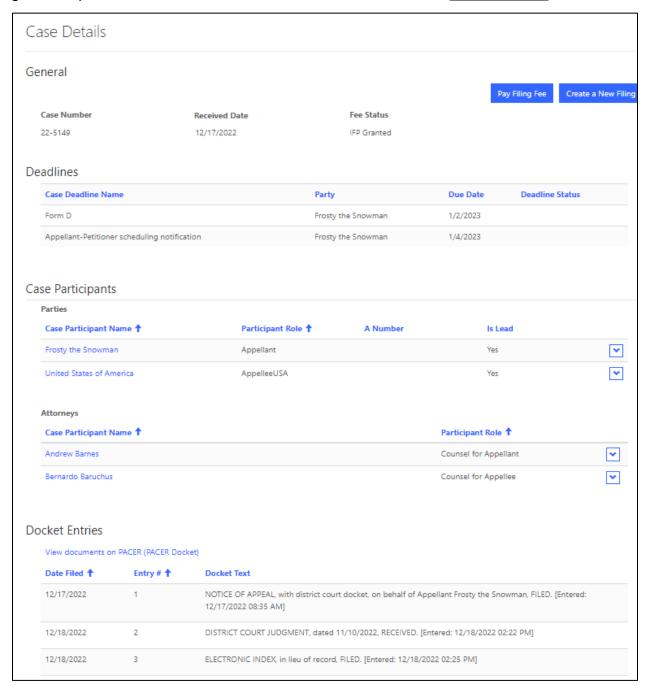
Click Next. Click Attach Document then click Submit. Repeat as necessary.



After you attach your papers, click <u>Next</u> and you will be taken to the summary screen. Review your filing for accuracy and click <u>File With Court</u>. The system will take you back to the portal homepage.

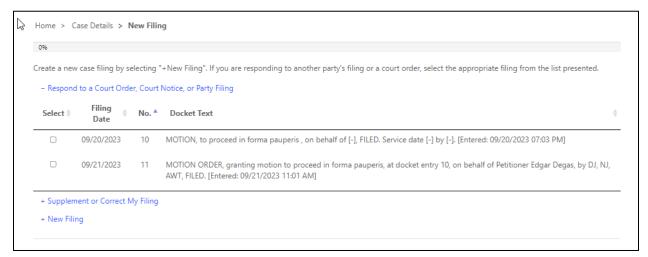
SUBMITTING A NEW FILING

Cases that are opened and have activity in them will appear under your "My Cases" grid. To open one and view the case details form, click on the <u>Case Number</u>.

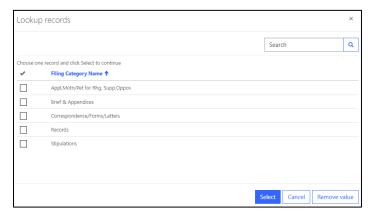


In direct appeals, counsel who filed the notice of appeal will automatically be linked to the party and case. To submit a new filing, including an appearance form, select <u>Create a New Filing</u>. Then choose a Filing Category and Filing Type. Click <u>Next</u>. The categories and filing types in ACMS are the same as they are in CM/ECF.

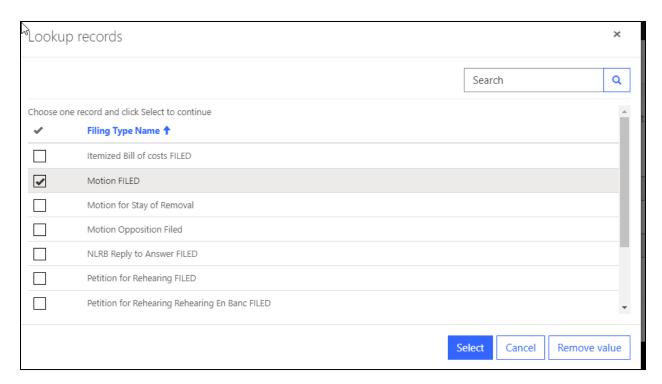
If a party files papers that could be responded to, ACMS will prompt the filer to respond before filing something new.



Click on the <u>Magnifying Glass</u> to see both a list of Categories and Filing Types. Choose the appropriate one and click <u>Select</u>.



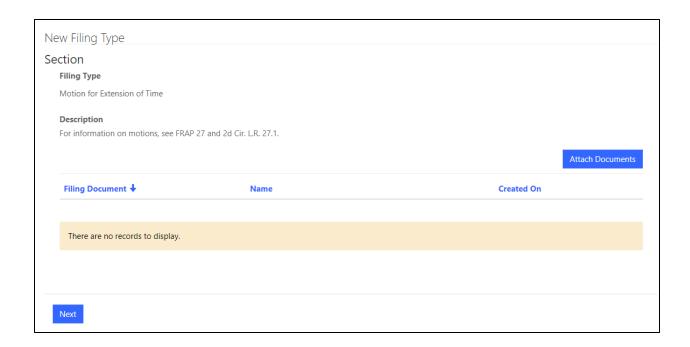
For example, if you are filing a motion, select the Motion FILED filing type.

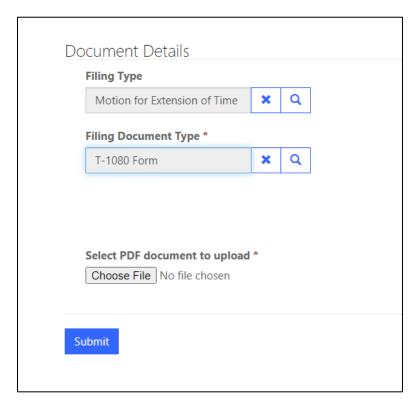


For motions, you will be prompted to select a relief or multiple reliefs if desired. If you do not see your relief listed, select the "for ____ relief" option. Other filing types may request additional information such as a Calendar Date or description of filing.

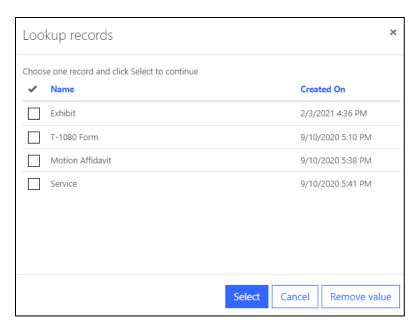


Attach documents. Select Attach Documents and a new window will open.

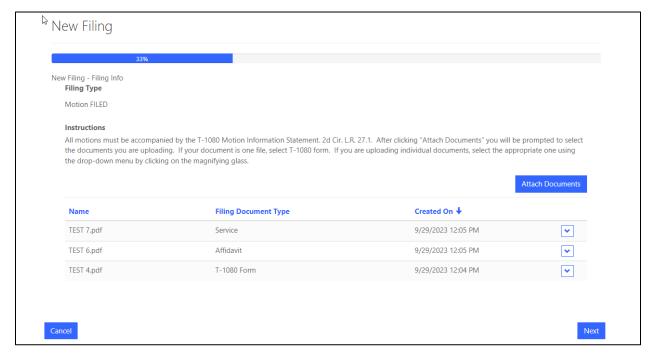




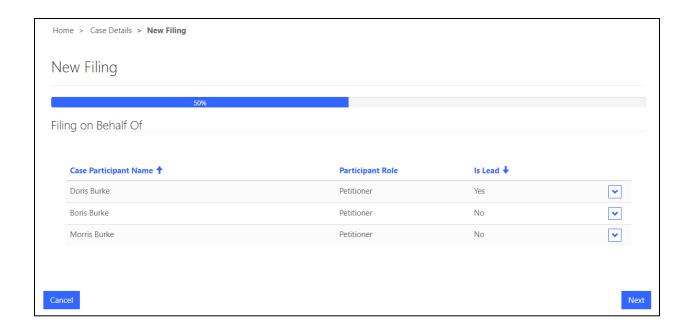
There will always be a default Filing Document Type. However, if a filing requires multiple documents, those Filing Document Types will be provided. Select the magnifying glass and a new window will open providing the necessary document types for the particular filing.



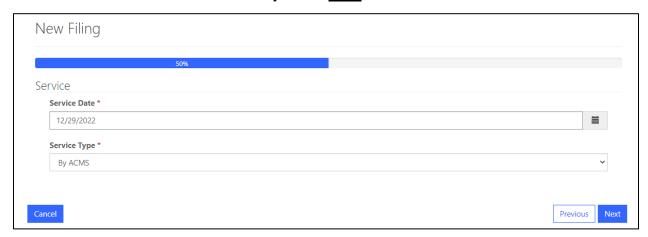
Select the Filing Document Type you wish to upload and click <u>Submit</u>. Repeat these steps for the remaining Filing Document Types. Once all the requisite forms are attached to the filing, click <u>Next</u>.



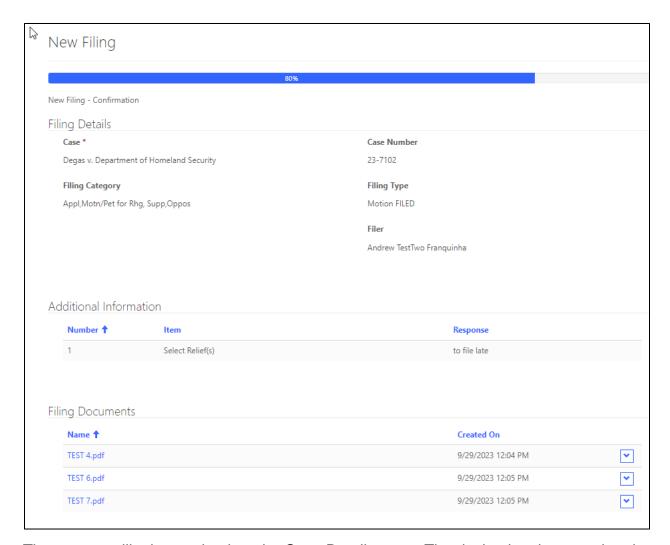
The next screen will show the parties on whose behalf you are filing. The list should contain all the parties you represent. If you wish to not file on behalf of everyone on the list, navigate to the arrow at the right-hand side of the grid and select "Remove". Otherwise, click Next.



Select a Service Type. If you are serving multiple parties or a pro se party, select the least "electronic" means as necessary. Click Next.



Review the filing and make sure it is associated with the correct party(ies). Review the service method. Click <u>File With Court</u>.



The system will take you back to the Case Details page. The docket has been updated to reflect the most recent filing.

Notes:

- Even if the filing appears on this docket, it does not mean it has been filed. You must ensure you receive a NDA. The system will reject corrupt files.
- Avoid using certain characters ('), (*), (#), (.) in your filenames.

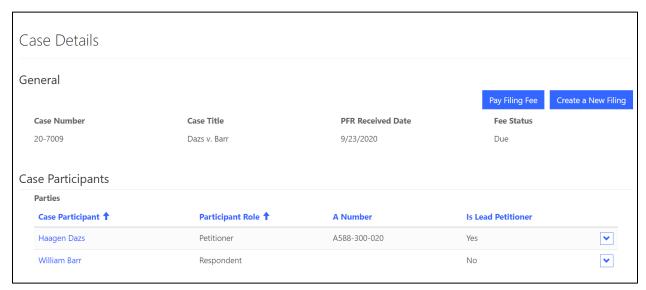
View documents on PACER (PACER Docket)		
Date Filed 🕇	Entry # 🕇	Docket Text
9/19/2023	1	PETITION FOR REVIEW OF AGENCY ORDER, on behalf of Petitioner Edgar Degas, Petitioner Marie Antoinette, FILED. [Entered: 09/19/2023 04:27 PM]
9/19/2023	2	AGENCY DECISION AND ORDER, dated 09/04/2023, RECEIVED. [Entered: 09/19/2023 04:27 PM]
9/19/2023	3	RESPONDENT Merrick B. Garland, Lisa Marie Arnold, Oil Oil, TERMINATED. [Entered: 09/19/2023 04:33 PM]
9/19/2023	4	ATTORNEY, Angela TestAttorney Schelsinger, for Petitioner Marie Antoinette, ADDED. [Entered: 09/19/2023 04:38 PM]
9/20/2023	5	PETITION FOR REVIEW OF AGENCY ORDER, on behalf of Petitioner Edgar Degas, Petitioner Marie Antoinette, OPENED. [Entered: 09/20/2023 09:08 AM]
9/20/2023	6	INSTRUCTIONAL FORMS, to Pro Se litigant, SENT. [Entered: 09/20/2023 09:10 AM]
9/20/2023	7	MOTION, for stay of removal , on behalf of [-], FILED. Service date [-] by [-]. [Entered: 09/20/2023 10:46 AM]
9/20/2023	8	LETTER, dated 09/20/2023, requesting update on case and motion, on behalf of Petitioner Edgar Degas, RECEIVED. Service date 09/20/2023 by Federal Express. [Entered: 09/20/2023 11:16 AM] [Edited: 09/20/2023 11:21 AM]
9/20/2023	9	OPPOSITION, to Motion FILED, 7, on behalf of Respondent Department of Homeland Security, FILED. Service date 09/20/2023 by No Service. [Entered: 09/20/2023 03:26 PM]
9/20/2023	10	MOTION, to proceed in forma pauperis , on behalf of [-], FILED. Service date [-] by [-]. [Entered: 09/20/2023 07:03 PM]
9/21/2023	11	MOTION ORDER, granting motion to proceed in forma pauperis, at docket entry 10, on behalf of Petitioner Edgar Degas, by DJ, NJ, AWT, FILED. [Entered: 09/21/2023 11:01 AM]
9/21/2023	12	LR 31.2 SCHEDULING NOTIFICATION, on behalf of Respondent Department of Homeland Security, informing Court of proposed due date 12/21/2023, RECEIVED. Service date 09/21/2023 by ACMS. [Entered: 09/21/2023 12:30 PM]
9/29/2023	13	MOTION, to file late, on behalf of Respondent Department of Homeland Security, FILED. Service date 09/29/2023 by

Notes on Consolidated and Cross Appeals:

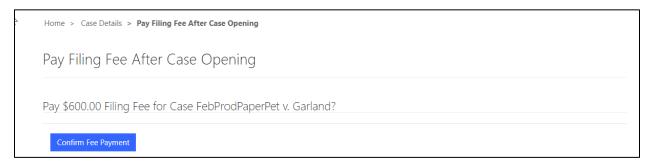
When cases are consolidated or part of a cross-appeal, forms should be filed in the case in which they apply. Some filings will be spread from a con or cross to a lead appeal. When cases are related and the briefing deadlines are the same for all parties, briefs and appendices should be filed in the lead appeal only. Motions to dismiss, FRAP 42 stipulations, or L.R. 42.1 stipulations, should be filed in the case in which they apply.

PAYING THE FEE AFTER FILING

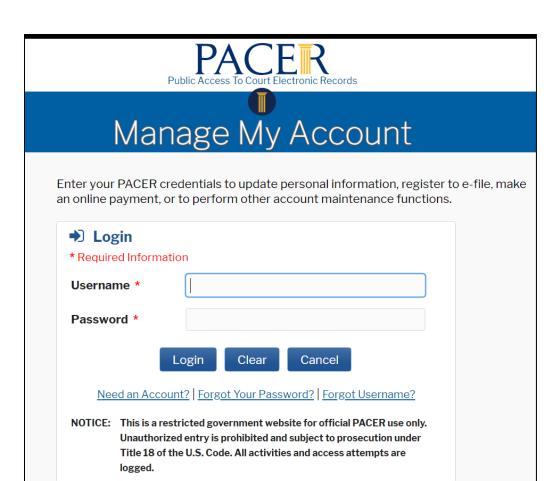
For Original Proceedings and Petitions filed under FRAP 15, filers now have the option of paying the filing fee after a case is opened and assigned a number. Once a filer receives a NDA that the case has been opened, the case will appear on the filer's portal homepage. Open the case in which the filing fee is due by clicking on the <u>Case Number</u> and select <u>Pay Filing Fee</u>. The filing fee for direct appeals must be paid to the <u>district court</u>. The Court of Appeals will reject any fees paid directly to it for direct appeals.



Confirm you wish to pay the filing fee after case opening.



The system will route you to PACER and pay.gov, where you can submit the filing fee in the normal course.



REGISTERING FOR CASES OF INTEREST

ACMS now allows users to register for Cases of Interest through the ACMS portal. You must still be registered through PACER as either an attorney with filing rights or a public interested person. To register to receive cases of interest,

Navigate to the ACMS Portal and select the tab "My Cases of Interest".



Select the Notification Frequency with which you would like to receive Notices of Docket Activity for your Cases of Interest. Select a Notification Frequency and enter your email. If you would like to enter multiple emails, separate them with commas.



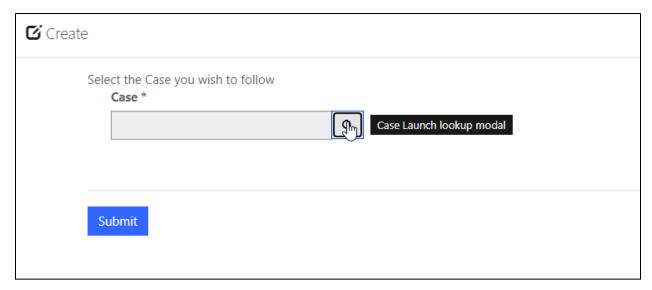
You can always change the frequency and/or emails by selecting your Notification Settings under your Name at the top right-hand corner.



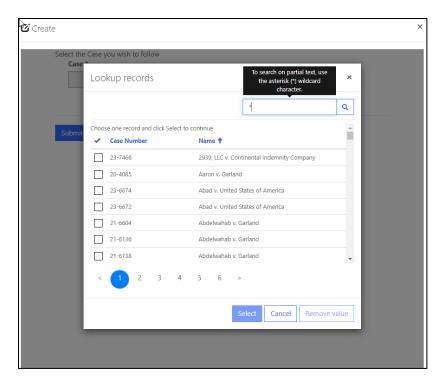
From the My Cases of Interest tab, select "Add Case"

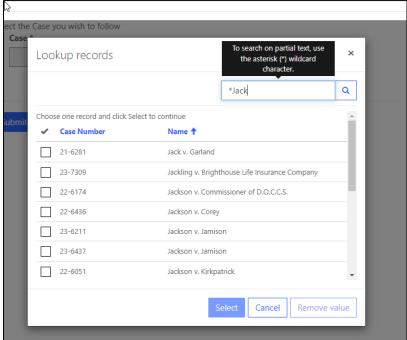


Select the Case you wish to follow by clicking on the magnifying glass to launch the case lookup modal.

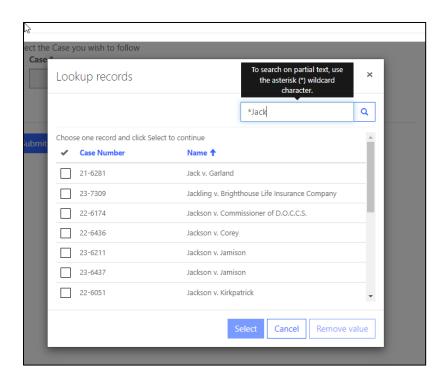


The modal will return every case in the ACMS system. To search, either enter the case number or use a wildcard (*) character and type a party name to begin your search.

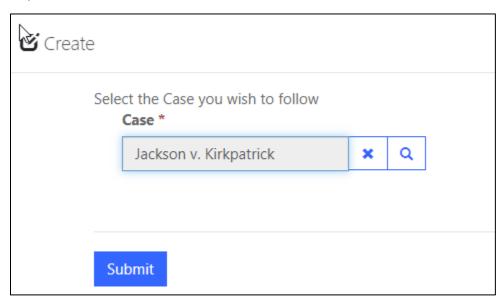




Mark the box next to the case you wish to follow and click "Select".



Confirm you selected the proper case. If you did not, "x"-out the case and repeat the previous steps.



The case you selected will now appear under your "My Cases of Interest" tab, and you will receive Notices of Docketing Activity when there are new filings in the case. If you no longer wish to follow the case, simply click on the trash icon and you will remove the case from your list.

