



**TITLE VI - INTERNAL OPERATING PROCEDURES
UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT
[ALL-IN-ONE DOCUMENT]**

Habeas Corpus; Proceedings in Forma Pauperis

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INTERNAL OPERATING PROCEDURES | 11TH CIRCUIT (US)

SECTION: VI

TITLE: HABEAS CORPUS; PROCEEDINGS IN FORMA PAUPERIS

RULES: 22 through 24



IOP 22 | HABEAS CORPUS AND SECTION 2255 PROCEEDINGS

1. Certificate of Appealability. Consistent with FRAP 2, the court may suspend the provisions of 11th Cir. R. 22-1(c) and order proceedings in accordance with the court's direction.

2. Oral Argument in Capital Cases. The presiding judge of the panel will notify the clerk at the appropriate time whether or not there will be oral argument in the case, and if so, the date for oral argument and the amount of oral argument time allotted to each side. A capital case appeal will include oral argument on the merits unless the panel decides unanimously that oral argument is not needed.



IOP 24 | PROCEEDING IN FORMA PAUPERIS

Prison Litigation Reform Act. In all civil appeals by prisoners, the Prison Litigation Reform Act of 1995 (hereinafter “the Act”), 28 U.S.C. §1915 (as amended), requires payment of the court of appeals docketing fee prescribed by the Judicial Conference of the United States in the Court of Appeals Miscellaneous Fee Schedule issued pursuant to 28 U.S.C. §1913, plus the district court filing fee required by 28 U.S.C. §1917, payable to the clerk of the United States District Court where the prisoner/appellant filed the notice of appeal. Likewise, prior to the filing of a petition for a writ of mandamus (or other writ) the Act requires payment of the court of appeals docketing fee prescribed by the Judicial Conference of the United States in the Court of Appeals Miscellaneous Fee Schedule issued pursuant to 28 U.S.C. §1913, payable to Clerk, U.S. Court of Appeals, Eleventh Circuit. If a prisoner is unable to pay the required fee in full at the time of filing a notice of appeal or petition for a writ, the appropriate district court (if a notice of appeal is filed) or this court (if a petition for a writ is filed) may allow the prison or other institution of confinement to pay the fee in installments from the prisoner’s account.



APPENDIX



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