

## LRCiv 3.8

### ASSIGNMENT OF CASES; CIVIL

(a) **Assignment of Civil Cases.** Within each division, the civil cases, when filed, shall be assigned among the Judges of the division by the Clerk (or by a deputy designated by the Clerk) by automated random selection and in a manner so that neither the Clerk nor any parties or their attorneys shall be able to make a deliberate choice of a particular Judge for a particular case. The cases so assigned shall remain with the Judge to whom assigned unless otherwise ordered by the Court. Unless otherwise ordered by the Court, the Clerk shall assign each civil case to a District Judge or a Magistrate Judge by automated random selection, except that when preliminary injunctive relief is requested by a motion, that is filed separately from the complaint the Clerk shall assign the case to a District Judge. In the event the action is assigned to a Magistrate Judge, each party shall execute and file within 20 days of its appearance either a written consent to the exercise of authority by the Magistrate Judge under 28 U.S.C. § 636(c), or a written election to have the action reassigned to a District Judge. Each party shall indicate his or her consent or election on the form provided by the Clerk. Prior to the completed consent or election forms being received by the Clerk of the Court, the assigned Magistrate Judge shall act pursuant to 28 U.S.C. § 636(b)(1)(A). Any motion submitted by a party before that party has filed an election form may be stricken or deferred by the Court. In the event one or more parties elect to have a case heard by a District Judge, the case shall be reassigned to a District Judge. After one or more consents to a Magistrate Judge have been filed with the Clerk and until such time as an election is

made by any party for assignment to a District Judge, the Magistrate Judge shall continue to act pursuant to 28 U.S.C. § 636(c)(1) even though all parties have not been served or have not filed their appearances. Consent to a Magistrate Judge's authority does not constitute a waiver of any jurisdictional defense unrelated to the grant of authority under 28 U.S.C. § 636(c).

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## LRCiv 5.6

### SEALING OF COURT RECORDS IN CIVIL ACTIONS

(a) **Order Required.** No document may be filed under seal in a civil action except pursuant to an order by the Court as set forth in subpart (b) of this Rule. For the purposes of this Rule, the term "document" means any exhibit, record, filing or other item to be filed under seal with the Court.

(b) **Procedure for Obtaining an Order to File a Document Under Seal.** The Court may order the sealing of any document pursuant to a motion, stipulation, or the Court's own motion. The Court generally will not enter an order that gives advance authorization to file documents under seal that are designated for such treatment by parties under a protective order or confidentiality agreement. Any motion or stipulation to file a document under seal must set forth a clear statement of the facts and legal authority justifying the filing of the document under seal and must append (as a separate attachment) a proposed order granting the motion. The document or documents that are the subject of any such motion or stipulation must not be appended to the motion or stipulation, and must be lodged with the Court separately consistent with subpart (c) of this Rule.

(c) **Lodging of the Document to Be Filed Under Seal.**

(1) *Lodging in Electronic Form.* Generally, a document to be filed under seal must be lodged with the Court in electronic form. The Electronic Case Filing Administrative Policies and Procedures Manual ("the Administrative Manual") sets forth the circumstances in which such documents must be lodged electronically and the instructions for doing so.

(2) *Exceptions; Lodging in Paper Form.* If a party or counsel has been exempted from the requirement to file

papers electronically or if the document to be filed under seal is among those types of documents that the Administrative Manual does not permit to be lodged electronically, a document to be filed under seal must be lodged with the Court in paper form. Each such document to be filed under seal must be lodged with the Court in a separate envelope with a cover sheet affixed to the envelope clearly identifying the enclosed document and the underlying motion to which it pertains, identifying the motion or stipulation seeking to have the document filed under seal, specifying the case number and title of the action in which the document is to be filed, and prominently displaying the notation: "DOCUMENT SUBMITTED UNDER SEAL." A second copy of each document also must be lodged in an identically labeled envelope for delivery to the chambers of the Judge assigned to the action. If the submitting party is represented by counsel, the lodging of any document to be filed under seal that is more than fifty (50) pages in length also must be accompanied by the lodging of a diskette or CD-ROM containing an electronic version of each such document. The diskette or CD-ROM must be labeled as described above and must be formatted consistent with the instructions set forth in the Administrative Manual.

(d) **Filing a Document Designated Confidential by Another Party.** Unless otherwise ordered by the Court, if a party wishes to file a document that has been designated as confidential by another party pursuant to a protective order or confidentiality agreement, or if a party wishes to refer in a memorandum or other filing to information so designated by another party, the submitting party must confer with the designating party about the need to file the document (or proposed filing) under seal and whether the parties can agree on a stipulation seeking to have the document (or proposed

filing) filed under seal. If the parties are unable to agree on these issues, the submitting party must lodge the document (or proposed filing) under seal and file and serve a notice of lodging summarizing the parties' dispute and setting forth the submitting party's position, accompanied by a certification that the parties have conferred in good faith and were unable to agree about whether the document (or proposed filing) should be filed under seal. Within ten (10) days after service of the notice, the designating party must file and serve either a notice withdrawing the confidentiality designation or a motion to seal and a supporting memorandum that sets forth the facts and legal authority justifying the filing of the document (or proposed filing) under seal. If the designating party seeks to have the document (or proposed filing) filed under seal, the motion must append (as a separate attachment) a proposed order granting the motion to seal. No response to the motion may be filed. If the designating party does not file a motion or notice as required by this subsection, the Court may enter an order making the document (or proposed filing) part of the public record.

(e) **Denial of Request to File a Document Under Seal.** If a request to file under seal is denied in part or in full, the lodged document will not be filed. If the request is denied in full, the submitting party may, within three (3) days of the entry of the order denying the request, re-submit the document for filing in the public record. If the request is denied in part and granted in part, the party may resubmit the document in a manner that conforms to the Court's order and this Rule.

(f) **Effect of Sealing.** If the Court orders the sealing of any document, the Clerk shall file the order to seal and secure the sealed document from public access.

**F.R.Civ.P. 10. Form of Pleadings**

~~(NO LOCAL RULE)~~

LRCiv 10.1

**FORM OF PLEADINGS**

The form of pleadings is governed by Rule 7.1 of the  
Local Rules of Civil Procedure.

**F.R.Civ.P. 16. Pretrial Conferences; Scheduling; Management**

~~(NO LRCiv 16.1)~~

**PROCEDURE IN SOCIAL SECURITY CASES**

In all cases seeking judicial review of decisions by the Commissioner of Social Security pursuant to 42 U.S.C. § 405(q), the parties must observe the following briefing procedures, rather than filing motions/cross-motions for summary judgment:

(a) Opening Brief. Within sixty (60) days after the answer is filed, Plaintiff must file an opening brief addressing why the Commissioner's decision is not supported by substantial evidence or why the decision should otherwise be reversed or the case remanded. Plaintiff's opening brief must set forth all errors which Plaintiff contends entitle him or her to relief. The brief must also contain, under appropriate headings and in the order indicated below, the following:

(1) A statement of the issues presented for review, set forth in separate numbered paragraphs.

(2) A statement of the case. This statement should indicate briefly the course of the proceedings and its disposition at the administrative level.

(3) A statement of facts. This statement of the facts must include Plaintiff's age, education, and work experience; a summary of the physical and mental impairments alleged; a brief outline of the medical evidence; and a brief summary of other relevant evidence of record. Each statement of fact must be supported by reference to the page in the record where the evidence may be found.

(4) An argument. The argument, which may be preceded by a summary, must be divided into sections separately treating each issue. Each contention must be supported by specific reference to the portion of the record

relied upon and by citations to statutes, regulations, and cases supporting Plaintiff's position. If any requested remand is for the purpose of taking additional evidence, such evidence must be described in the opening brief, and Plaintiff's argument must show that the additional evidence is material and that there is good cause for the failure to incorporate such evidence into the record in a prior proceeding. If such additional evidence is in the form of a consultation examination sought at Government expense, Plaintiff's opening brief must make a proffer of the nature of the evidence to be obtained.

(5) A short conclusion stating the relief sought.

(b) **Answering Brief.** Defendant must file an answering brief within thirty (30) days after service of Plaintiff's opening brief. Defendant's brief must (1) respond specifically to each issue raised by Plaintiff and (2) conform to the requirements set forth above for Plaintiff's brief, except that a statement of the issues and a statement of the case and a statement of the facts need not be made unless Defendant is dissatisfied with Plaintiff's statement thereof.

(c) **Reply Brief.** Plaintiff may file a reply brief within fifteen (15) days after service of Defendant's brief.

(d) **Length of Briefs.** The opening and answering briefs may not exceed seventeen (17) pages, exclusive of any statement of facts, with the reply brief limited to eleven (11) pages, except as approved by the Court upon motion. The case will be deemed submitted as of the date on which Plaintiff's reply brief is filed or due.

(e) **Oral Argument.** If either party desires oral argument, it must be requested in the manner prescribed by LRCiv 7.2(f) upon the filing of the opening or answering brief. Whether to allow oral argument is at the discretion of

the Court.

~~F.R.Civ.P. 16. Pretrial Conferences; Scheduling; Management~~

~~(NO LRCiv 16.1)~~

LRCiv 16.2

DIFFERENTIATED CASE MANAGEMENT

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(b) **Tracks.**

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(3) Standard Track.

(A) Assignment. Cases which do not meet the criteria of the Expedited or Prisoner/Pro Se tracks, and are not determined complex, are assigned to this track.

(B) Management.

(i) A preliminary scheduling conference, pursuant to Rule 16 of the Federal Rules of Civil Procedure, shall be scheduled within one-hundred eighty (180) days of filing, and conducted by the assigned District Judge or his or her designee, or the assigned Magistrate Judge.

(ii) The scheduling order issued from this conference, in accordance with Rule 16(b) of the Federal Rules of Civil Procedure, shall include dates for filing a joint proposed pretrial order and conducting a pretrial conference. The trial date shall be set at the pretrial conference. If the assigned District Judge or Magistrate Judge is unable to try the case on that date, the case shall be referred to the Chief Judge for reassignment to any available District Judge or Magistrate Judge.

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LRCiv 40.2

CONTINUANCES AND NOTICE OF SETTLEMENT

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(d) Duty to Inform Regarding Settlement or Voluntary Resolution of Other Pending Matters. When a case set for trial is settled out of ~~Court~~Court or any motion is pending before a District Judge or Magistrate Judge and is voluntarily resolved by the parties or their counsel, it shall be the duty of counsel to inform the Clerk and ~~Court~~ immediately.the chambers of such District Judge or Magistrate Judge immediately. In cases wherein a District Judge has referred a settlement conference, discovery or other matter to a Magistrate Judge, but not the entire case, counsel shall immediately provide a copy of any filed document relating to the referred matter to the chambers of the referred Magistrate Judge.

VII. Judgments

F.R.Civ.P. 54. Judgments; Costs

LRCiv 54.1

COSTS: SECURITY FOR, TAXATION, PAYMENT

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(e) Taxable items.

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(8) Docket Fees. Docket fees ~~and costs of briefs~~ are taxable pursuant to 28 U.S.C. § 1923. ~~Docket fees may be awarded only when the United States is the prevailing party.~~

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**F.R.Civ.P. 72. Magistrate Judges; Pretrial Orders**

**LRCiv 72.1**

**ASSIGNMENT OF MATTERS TO MAGISTRATE JUDGES**

(a) **Civil Cases.** Upon the order of a District Judge, a civil case shall be referred by the Clerk of the Court to a ~~full-time~~ Magistrate Judge by automated random selection for the conduct of such pretrial conferences as are necessary, and for the hearing and determination of any or all or specific pretrial matters procedural and discovery motions in accordance with ~~the provisions of~~ 28 U.S.C. § 636 (b)(1). ~~In supplementary proceedings pursuant to Rule 69, Federal Rules of Civil Procedure, including garnishments and judgment-debtor examinations, the Clerk of the Court shall refer such matters to a full-time Magistrate Judge by automated random selection in addition to any assignment made to a District Judge. If the referral is a determination of one of the eight categories of dispositive motions set forth in 28 U.S.C. § 636 (b)(1) or is one which a Magistrate Judge is prohibited from determining by the Constitution or laws of the United States, the Magistrate Judge shall file a written report and recommendation for final disposition by the referring District Judge.~~

(b) **Supplementary Proceedings.** The Clerk of the Court shall refer to a Magistrate Judge, in addition to the assignment made to a District Judge, any supplementary proceedings pursuant to Rule 69, Federal Rules of Civil Procedure, and post-judgment proceedings, such as garnishments and judgement-debtor examinations, unless: (1) the matter has already been referred by a District Judge to a Magistrate Judge pursuant to 28 U.S.C. § 636(b)(3), or (2) the matter has been assigned to a Magistrate Judge for final determination pursuant to the express written consent of the parties

according to 28 U.S.C. § 636(c).

(bc) **Habeas Corpus, Other Post Conviction Petitions, and Prisoner and certain other Civil Rights Complaints.** All petitions for writs of habeas corpus, applications for post trial relief made by individuals convicted of criminal offenses, civil rights complaints by state or federal prisoners challenging conditions of their confinement, and all other civil actions to which a District Judge has been assigned shall also be referred by the Clerk of the Court to a ~~full-time~~ Magistrate Judge according to Local Rules of Civil Procedure, Rules 3.4(b), 3.5(c), or by automated random selection. The referred Magistrate Judge shall proceed in accordance with the Rules Governing Section 2254 Cases In The United States District Courts, or the Rules Governing Section 2255 Proceedings For The United States District Courts, as the case may be, and with 28 U.S.C. § 636 (b)(1)(A) and (B).

**LRCiv 72.2**

**OTHER DUTIES PRESCRIBED; ~~FULL-TIME~~ OF MAGISTRATE JUDGES<sup>5</sup>**

(a) **Other Duties.** Subject to the Constitution and laws of the United States, ~~the full-time~~ Magistrate Judges in the District of Arizona shall perform the following duties:

(1) Assist the District Judges in the conduct of pretrial discovery proceedings in civil ~~or criminal~~ actions. A Magistrate Judge may hear and determine a procedural or discovery motion or other pretrial matter in a civil ~~or criminal~~ case other than the motions which are specified in 28 U.S.C. § 636 (b)(1)(A). As to such specified motions so assigned, a Magistrate Judge shall, upon designation by a District Judge, submit to that District Judge a report containing proposed findings of fact and recommendations for disposition by the District Judge. In any motion in which the parties are seeking the sanctions provided for in Rule 37(b)(2)(A), (B), or (C), Federal Rules of Civil Procedure, if the Magistrate Judge is inclined to grant such requests the Magistrate Judge shall be limited to filing a report and recommendation with the District Court; if the Magistrate Judge is inclined to deny any such request, he or she may enter an order thereon. A ~~full-time~~ Magistrate Judge may, when designated by a District Judge, conduct any necessary hearings, including evidentiary hearings, or other proceedings arising in the exercise of the authority conferred by 28 U.S.C. § 636 and by these Local Rules.

(2) Review petitions for writs of habeas corpus, applications for post-trial relief made by individuals convicted of criminal offenses, and civil rights complaints

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<sup>5</sup> ~~Paragraph (a)(7) of this Local Rule applies to part-time as well as full-time Magistrate Judges in the District.~~

lodged or filed by prisoners challenging conditions of their confinement pursuant to 42 U.S.C. § 1983, Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971), or otherwise, and all other civil rights claims relating to the investigation and prosecution of criminal matters or to correctional agencies and institutions in connection with their decisions or acts arising out of their custodial functions; make such orders as are necessary to obtain appropriate information which may be of assistance in determining the merits of any such writ or complaint; and submit reports and recommendations thereon to facilitate the decisions of the District Judge having jurisdiction over the case as to whether there should be a hearing. The authorization given the Magistrate Judge by this Local Rule shall include, but is not ~~be~~ limited to, the entry of appropriate orders directing answers to complaints and petitions assigned to the Magistrate Judge by the Clerk of the Court or by a District Judge, and the submission to a District Judge proposed findings of fact and recommendations for the disposition of such case. A ~~full-time~~ Magistrate Judge is further authorized to conduct hearings preliminary to the submission of proposed findings of fact and recommendations to a District Judge.

(3) Issue subpoenas and writs of habeas corpus ad prosequendum and writs of habeas corpus ad testificandum or other orders necessary to obtain the presence of parties, witnesses, or evidence needed for court proceedings.

(4) Make determinations and enter appropriate orders pursuant to 28 U.S.C. § 1915 with respect to any suit, action, or proceedings in which a request is made to proceed *in forma pauperis* consistent with federal law except that a Magistrate Judge may not deny a request for *in forma pauperis* status

unless the person requesting such status has expressly consented in writing to Magistrate Judge jurisdiction pursuant to 26 U.S.C. § 636(c).

(5) Conduct pretrial conferences, settlement conferences, and related pretrial proceedings in civil ~~and criminal~~ cases.

(6) Conduct examinations of judgment debtors in accordance with Rule 69 of the Federal Rules of Civil Procedure.

(7) Issue orders, and search warrants authorizing civil administrative and other examinations, inspections, searches, and seizures as permitted by law. ~~This provision shall apply to part-time and full-time Magistrate Judges in the District.~~

(8) Perform such additional duties as are not inconsistent with the Constitution and laws of the United States as may be ~~assigned~~ referred by ~~the Court~~ a District Judge pursuant to 28 U.S.C. § 636(b).

(9) Perform the duties set forth in Chapter 176 of Title 28, United States Code, as ~~assigned~~ referred by ~~the a District Court Judge~~ pursuant to the Federal Debt Collection Procedures Act, 28 U.S.C. § 3008.

(10) Review and submit reports and recommendations on the following types of cases which come before the Court on a developed administrative record: (A) actions to review administrative determinations under the Social Security Act and related statutes; (B) actions to review the administrative award of licenses and similar privileges; and (C) civil service cases involving such matters as adverse actions, retirement questions, and reduction in force.

(11) Review petitions and submit reports and recommendations to ~~the Court~~ a District Judge in civil

commitment cases arising under Title III of the Narcotic Rehabilitation Act 1966.

(12) Conduct voir dire examinations and select juries ~~as referred by a District Judge in civil and criminal cases by agreement~~ with the express written consent of the parties.

(13) With the express written consent of the parties pursuant to 28 U.S.C. § 636(c), a Magistrate Judge may hear and determine all motions, conduct the trial, and enter findings of fact, conclusions of law, and final judgments in civil cases when specifically referred by a District Judge the case is either randomly assigned by the Clerk to a Magistrate Judge upon the filing of the case or when a case is initially assigned to a District Judge and thereafter the case is reassigned to a Magistrate Judge with the District Judge's approval.

(14) Accept petit jury verdicts in civil ~~and criminal cases in the absence~~ upon request of a District Judge ~~and~~ with the express written consent of the parties.

(15) Conduct proceedings for the collection of civil penalties of not more than two hundred dollars (\$200) assessment under the Federal Boat Safety Act of 1971 in accordance with 46 U.S.C. §§ 4311(d) and 12309(c).

(16) Hold hearings and issue orders or reports and recommendations as may be appropriate in connection with garnishment and other post-judgment proceedings pursuant to 28 U.S.C. § 636(b)(3).

(b) All Magistrate Judges in the District of Arizona shall perform the duties authorized by 28 U.S.C § 636.

~~LR Civ 72.3~~

~~OTHER DUTIES PRESCRIBED; ALL MAGISTRATE JUDGES~~

~~All Magistrate Judges in the District of Arizona shall perform the duties prescribed by 28 U.S.C § 636 (a)(1) and (2). Unless circumstances dictate otherwise, a part-time Magistrate Judge shall, after compliance with Rule 5(b) of the Federal Rules of Criminal Procedure, set any required preliminary examination under Rule 5(c) of the Federal Rules of Criminal Procedure before a full-time Magistrate Judge located at the place where the case is to be tried.~~

**F.R.Crim.P. 5 Initial Appearance**

**LR crim 5.1**

**ASSIGNMENT OF CASES AND MATTERS; CRIMINAL; JUVENILE**

**(a) Assignment of Criminal Cases.**

(1) In General. Within each division, the criminal cases, when filed, shall be assigned among the District Judges of the division by the Clerk (or by a deputy designated by the Clerk) by automated random selection and in a manner so that neither the Clerk nor any parties or their attorneys shall be able to make a deliberate choice of a particular Judge for a particular case. At the conclusion of the preliminary hearing and detention hearing in Tucson, or at the conclusion of the grand jury return in Phoenix, the Clerk shall randomly refer the criminal case to a Magistrate Judge. The cases so assigned or referred shall remain with the Judges to whom assigned or referred unless otherwise ordered by the Court. With the exception of defense counsel, any officer of the Court who determines that a new charge has been filed against a defendant who is under federal Court supervision shall immediately notify the presiding judge before whom the new case is pending.

(2) In Cases Where Defendant is on Supervised Release and or Probation.

(~~a~~A) Except as provided in subsections (~~b~~), (~~c~~) and (~~d~~) (B), (C), and (D) below, new cases in which the defendant is already on probation or supervised release shall be assigned to the judge to whom the probation or supervised release case is assigned.

(~~b~~B) If the judge to whom the probation or supervised release case is assigned is on Senior Status and does not want both cases, both the new case and the petition to revoke probation or supervised release shall be assigned to

a district judge by automated random selection, subject to subsections ~~(c)~~ and ~~(d)~~ (C) and (D) below.

(c) Where the new case and the probation or supervised release case are in different divisions, the new case shall remain in its division, and the petition to revoke probation or supervised release shall be reassigned to that division's judge, unless the judge to whom the probation or supervised release case is assigned wants to keep the petition.

(d) In the case of a consolidated plea agreement which resolves both a ~~new~~ felony illegal reentry after deportation, and a probation or supervised release violation for illegal reentry, alien smuggling, or drug trafficking, the judge to whom the new offense is assigned shall also decide the request for unsuccessful termination of supervision, unless the judge to whom the supervised release violation is assigned objects, in which case both the new case and the supervised release case shall be assigned to the objecting judge. In all such cases, defense counsel shall be assigned to handle the entire consolidated proceeding, the sentencing and disposition shall be consolidated, and the clerk shall file the minutes in both cases.

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**LR crim 57.6**

**UNITED STATES MAGISTRATE JUDGES**

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(d) Other Duties. Subject to the Constitution and laws of the United States, the full-time Magistrate Judges in the District of Arizona shall perform the following duties:

(1) Assist the District Judges in the conduct of pretrial discovery proceedings in criminal actions. A Magistrate Judge may hear and determine a procedural or discovery motion or other pretrial matter in a ~~civil or~~ criminal case other than the motions which are specified in 28 U.S.C. § 636 (b)(1)(A). As to such specified motions so assigned, a Magistrate Judge shall, upon designation by a District Judge, submit to that District Judge a report containing proposed findings of fact and recommendations for disposition by the District Judge. ~~In any motion in which the parties are seeking the sanctions provided for in Rule 37(b)(2)(A), (B), or (C), Federal Rules of Civil Procedure, if the Magistrate Judge is inclined to grant such requests the Magistrate Judge shall be limited to filing a report and recommendation with the District Court; if the Magistrate Judge is inclined to deny any such request, he or she may enter an order thereon. A full-time Magistrate Judge may, when designated by a District Judge, conduct any necessary hearings, including evidentiary hearings, or other proceedings arising in the exercise of the authority conferred by 28 U.S.C. § 636 and by these Local Rules.~~

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(3) Conduct all detention hearings, including

juvenile hearings pursuant to 18 U.S.C. § 5034, and hearings to amend, modify or revoke conditions of release under the Bail Reform Act of 1984, as amended, ~~except hearings in felony cases after a finding of guilt unless expressly authorized to do so by the District Judge. Notwithstanding this provision~~ All Magistrate Judges are specifically authorized to conduct detention hearings on alleged probation and supervised release violations unless the assigned District Judge directs otherwise.

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(15) Conduct extradition proceedings in accordance with 18 U.S.C. § 3184 and 18 U.S.C. § 4108 regarding fugitives or offenders from a foreign country to the United States.

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(22) Perform the functions specified in 18 U.S.C. § 4107, ~~§ 4108, and § 4109, regarding an individual's eligibility to be extradited, ascertaining whether the crime is an extraditable offense under the relevant treaty, whether probable cause exists to sustain the charge, and conducting~~ the transfer of an offender from the United States to a foreign country, conduct recorded proceedings for verification of consent by the offender's voluntary consent to transfer to ~~or~~ from the United States and the appointment of counsel therein pursuant to 18 U.S.C. § 3006A.

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**9th Cir. BAP R. 8018(b)-1. Silence of Local Rules**

**LRBankr 8018-1**

**SILENCE OF LOCAL RULES OF BANKRUPTCY APPEAL PROCEDURE**

In cases where these Local Rules of Bankruptcy Appeal Procedure and the FRBP are silent as to a particular matter of practice relating to a bankruptcy appeal, the district court may apply the Rules of the United States Court of Appeals for the Ninth Circuit, ~~and~~ the Federal Rules of Appellate Procedure, and/or this Court's Local Rules of Civil Procedure including, but not limited to, the General Provisions, LRCiv 81-86, thereof.