

SUPREME COURT OF THE UNITED STATES

MONDAY, DECEMBER 4, 1967

ORDERED:

1. That the following rules, to be known as the Federal Rules of Appellate Procedure, be, and they hereby are, prescribed, pursuant to sections 3771 and 3772 of Title 18, United States Code, and sections 2072 and 2075 of Title 28, United States Code, to govern the procedure in appeals to United States courts of appeals from the United States district courts, in the review by United States courts of appeals of decisions of the Tax Court of the United States, in proceedings in the United States courts of appeals for the review or enforcement of orders of administrative agencies, boards, commissions and officers, and in applications for writs or other relief which a United States court of appeals or judge thereof is competent to give:

[See *infra*, pp. 1069-1120.]

2. That the foregoing rules shall take effect on July 1, 1968, and shall govern all proceedings in appeals and petitions for review or enforcement of orders thereafter brought and in all such proceedings then pending, except to the extent that in the opinion of the court of appeals their application in a particular proceeding then pending would not be feasible or would work injustice, in which case the former procedure may be followed.

3. That Rules 6, 9, 41, 77 and 81 of the Rules of Civil Procedure for the United States District Courts be, and they hereby are, amended, effective July 1, 1968, as hereinafter set forth:

[See *infra*, pp. 1122-1124.]

4. That the chapter heading "IX. APPEALS," all of Rules 72, 73, 74, 75 and 76 of the Rules of Civil Procedure for the United States District Courts, and Form 27

annexed to the said rules, be, and they hereby are, abrogated, effective July 1, 1968.

5. That Rules 45, 49, 56 and 57 of the Rules of Criminal Procedure for the United States District Courts be, and they hereby are, amended, effective July 1, 1968, as hereinafter set forth:

[See *infra*, pp. 1126-1127.]

6. That the chapter heading "VIII. APPEAL," all of Rules 37 and 39, and subdivisions (b) and (c) of Rule 38, of the Rules of Criminal Procedure for the United States District Courts, and Forms 26 and 27 annexed to the said rules, be, and they hereby are, abrogated, effective July 1, 1968.

7. That the Chief Justice be, and he hereby is, authorized to transmit to the Congress the foregoing new rules and amendments to and abrogation of existing rules, in accordance with the provisions of Title 18, U. S. C., § 3771, and Title 28, U. S. C., §§ 2072 and 2075.