

April 24, 2023

Honorable Kevin McCarthy
Speaker, United States House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

I have the honor to submit to the Congress amendments and an addition to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying the amended and additional rules are the following materials that were submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code: a transmittal letter to the Court dated October 19, 2022; a blackline version of the rules with committee notes; an excerpt from the September 2022 report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States; and excerpts from the May 2022 reports of the Advisory Committee on Civil Rules.

Sincerely,

/s/ John G. Roberts, Jr.

April 24, 2023

Honorable Kamala D. Harris
President, United States Senate
Washington, DC 20510

Dear Madam President:

I have the honor to submit to the Congress amendments and an addition to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying the amended and additional rules are the following materials that were submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code: a transmittal letter to the Court dated October 19, 2022; a blackline version of the rules with committee notes; an excerpt from the September 2022 report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States; and excerpts from the May 2022 reports of the Advisory Committee on Civil Rules.

Sincerely,

/s/ John G. Roberts, Jr.

April 24, 2023

SUPREME COURT OF THE UNITED STATES

ORDERED:

1. The Federal Rules of Civil Procedure are amended to include amendments to Rules 6, 15, and 72, and to add new Rule 87.

[*See infra* pp. __ __ __.]

2. The foregoing amendments and addition to the Federal Rules of Civil Procedure shall take effect on December 1, 2023, and shall govern in all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. THE CHIEF JUSTICE is authorized to transmit to the Congress the foregoing amendments and addition to the Federal Rules of Civil Procedure in accordance with the provisions of Section 2074 of Title 28, United States Code.

**PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF CIVIL PROCEDURE**

**Rule 6. Computing and Extending Time; Time for
Motion Papers**

(a) Computing Time. * * *

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(6) “*Legal Holiday*” Defined. “Legal holiday”

means:

- (A)** the day set aside by statute for observing * * * Memorial Day, Juneteenth National Independence Day, Independence Day, * * *;

* * * * *

Rule 15. Amended and Supplemental Pleadings**(a) Amendments Before Trial.**

(1) *Amending as a Matter of Course.* A party may amend its pleading once as a matter of course no later than:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

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Rule 72. Magistrate Judges: Pretrial Order

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(b) Dispositive Motions and Prisoner Petitions.

- (1) *Findings and Recommendations.*** * * * The magistrate judge must enter a recommended disposition, including, if appropriate, proposed findings of fact. The clerk must immediately serve a copy on each party as provided in Rule 5(b).

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Rule 87. Civil Rules Emergency

(a) **Conditions for an Emergency.** The Judicial Conference of the United States may declare a Civil Rules emergency if it determines that extraordinary circumstances relating to public health or safety, or affecting physical or electronic access to a court, substantially impair the court's ability to perform its functions in compliance with these rules.

(b) **Declaring an Emergency.**

(1) **Content.** The declaration:

- (A) must designate the court or courts affected;
- (B) adopts all the emergency rules in Rule 87(c) unless it excepts one or more of them; and
- (C) must be limited to a stated period of no more than 90 days.

(2) ***Early Termination.*** The Judicial Conference may terminate a declaration for one or more courts before the termination date.

(3) ***Additional Declarations.*** The Judicial Conference may issue additional declarations under this rule.

(c) **Emergency Rules.**

(1) ***Emergency Rules 4(e), (h)(1), (i), and (j)(2), and for serving a minor or incompetent person.*** The court may by order authorize service on a defendant described in Rule 4(e), (h)(1), (i), or (j)(2)—or on a minor or incompetent person in a judicial district of the United States—by a method that is reasonably calculated to give notice. A method of service may be completed under the order after the declaration ends unless the

court, after notice and an opportunity to be heard, modifies or rescinds the order.

(2) *Emergency Rule 6(b)(2).*

(A) *Extension of Time to File Certain Motions.* A court may, by order, apply Rule 6(b)(1)(A) to extend for a period of no more than 30 days after entry of the order the time to act under Rules 50(b) and (d), 52(b), 59(b), (d), and (e), and 60(b).

(B) *Effect on Time to Appeal.* Unless the time to appeal would otherwise be longer:

(i) if the court denies an extension, the time to file an appeal runs for all parties from the date the order

denying the motion to extend is entered;

- (ii) if the court grants an extension, a motion authorized by the court and filed within the extended period is, for purposes of Appellate Rule 4(a)(4)(A), filed “within the time allowed by” the Federal Rules of Civil Procedure; and
- (iii) if the court grants an extension and no motion authorized by the court is made within the extended period, the time to file an appeal runs for all parties

from the expiration of the
extended period.

- (C) *Declaration Ends.* An act authorized
by an order under this emergency rule
may be completed under the order
after the emergency declaration ends.