

(d) *Remand*. If the record in any case is remanded to a court or agency, this Court retains jurisdiction over the case.

If the case, is remanded, this Court does not retain, jurisdiction, and a new notice of appeal or petition for review will be necessary if a party seeks review of the remand proceedings. (Amended, June 19, 1972; May 1, 1981.)

**Scope of subdivision (d).** — This Rule only makes clear that a remand of a case requires new jurisdictional grounds to be established if an appeal is taken after the remand of the case. The Rule in no way circumscribes the Court's power to construe its own mandate that led to the remand. *Potomac Elec. Power Co. v. Inter-*

*state Commerce Comm'n*, 702 F.2d 1026 (D.C. Cir. 1983).

**Cited in** *International Union of Elec. Workers v. National Labor Relations Bd.*, 650 F.2d 334 (D.C. Cir. 1980); *Lewis v. Sawyer*, 698 F.2d 1261 (D.C. Cir. 1983); *Shelvy v. Whitfield*, 718 F.2d 441 (D.C. Cir. 1983).

### Rule 14. Petitions for rehearing, suggestions for hearing or rehearing en banc, and mandates.

(See Rules 25, 32, 35, 40 and 41, Federal Rules of Appellate Procedure)

(a) *Petitions for rehearing and suggestions for hearing and rehearing en banc.*

(1) **Time.** A party that suggests pursuant to Rule 35 (b), Federal Rules of Appellate Procedure, the appropriateness of an initial hearing en banc, shall file the suggestion on or before the date on which appellee's brief is due to be filed. Any party that wishes to file a petition for rehearing pursuant to Rule 40, Federal Rules of Appellate Procedure, or a suggestion of the appropriateness of rehearing en banc, in a case in which neither the United States nor an agency or officer thereof is a party, shall do so within 30 days after entry of judgment. In all cases in which the United States, or an agency or officer thereof, is a party, the time within which any party may seek rehearing shall be 45 days after entry of judgment. The time for filing a petition for rehearing or a suggestion of the appropriateness of a rehearing en banc will not be extended except for good cause shown.

(2) **Number of copies and length.** An original and 14 copies of petitions for rehearing and of suggestions for hearing or rehearing en banc shall be filed. Such petitions and suggestions may be combined in 1 pleading or filed as separate documents. Whether filed as 1 pleading or as separate documents, a petition and/or suggestion shall not exceed a cumulative length of 10 pages by standard typographical printing, or 15 pages of printing by any other process of duplicating or copying, and shall be served in compliance with Rule 25, Federal Rules of Appellate Procedure. All printed matter must appear in at least 11 point type on opaque unglazed paper. The Court looks with disfavor upon motions to exceed the page limitation and such motions will only be granted for extraordinary and compelling reasons.

(3) **Contents.** In connection with suggestions for hearing or rehearing en banc, counsel's attention is directed to the criteria for such en banc consideration set forth in Rule 35 (a) of the Federal Rules of Appellate Procedure. Suggestions that an appeal be heard or reheard en banc shall contain a separate section at the beginning thereof, captioned "Concise Statement of Issue and Its Importance", which shall set forth the reasons why the case is of exceptional importance or with what decision or decisions of the Supreme Court of the United States, this Court, or any other federal appellate court, the panel decision is claimed to be in conflict. Without such a statement, the suggestion will not be accepted for filing.

(b) **Mandates.** A petition for a stay of the issuance of mandate shall not be granted simply upon request. A stay shall not issue unless the petition sets forth facts showing good cause for the relief sought. While retaining discretion to direct immediate issuance of its mandate in an appropriate case, the Court will ordinarily include as a part of its disposition an instruction that the Clerk withhold issuance of the mandate until the expiration of the time for filing a petition for rehearing or a suggestion of the appropriateness of rehearing en banc and, if such petition or suggestion is timely filed, until 7 days after disposition thereof. Such an instruction is without prejudice to the right of any party at any time to move for expedited issuance of the mandate for good cause shown. No mandate shall issue in connection with an order granting or denying a writ of mandamus or other special writ, but the order or judgment granting or denying the relief sought shall become effective automatically 21 days after issuance in the absence of an order or other special direction of this Court to the contrary. (Amended, Feb. 11, 1977; Dec. 31, 1979; Nov. 30, 1981; June 15, 1982.)

Cited in *Deering Milliken, Inc. v. Federal Trade Comm'n*, 647 F.2d 1124 (D.C. Cir. 1978).

### Rule 15. Taxation of costs of briefs and appendices.

(a) **Allowable items.** Costs shall be taxable in conformity with Rule 39 of the Federal Rules of Appellate Procedure. Costs will be allowed for the docketing fee, the cost of printing or otherwise reproducing the text of 50 copies of briefs and 25 copies of appendices, any charges for indices, covers, footnotes, and tabular matter of briefs and appendices, and the sales tax, if any, for printing or reproduction services. Charges actually incurred for printing or reproducing textual and appendix material, indices, tabular matter and exhibits shall be itemized to show cost per page. Charges for footnotes shall be itemized to show cost per line. Costs for fasteners used in place of binding may be claimed as a separate item only for briefs and appendices reproduced by photocopy methods. Forms furnished by the Clerk's Office of this Court, or facsimiles thereof, must be used in requesting taxation of costs. Bills of costs in which costs are not itemized as herein described, or which are not presented on Clerk's Office forms (or reasonable facsimiles thereof), shall not be filed.