

## VIII. Decision in Your Appeal

### A. Notice of the Court's Decision in Your Appeal

A decision may take weeks or months after submission to a panel. The Clerk's Office will send you a copy of the court's opinion. If the court decides your appeal without preparing an opinion, you will receive a copy of the order or judgment of affirmance.

Opinions can be accessed free of charge on the court's website:  
<https://cafc.uscourts.gov/home/case-information/opinions-orders/>.

**Note:** The Clerk's Office is unable to provide any information about when the panel will decide your case or any analysis of the court's opinion once issued.

### B. Filing a Petition for Rehearing

If you are not satisfied with the decision of the court, you may file a petition for panel rehearing or rehearing en banc under Rules 35 and 40 of FRAP and FCR. You may also file a combined petition for panel rehearing and rehearing en banc. A panel rehearing is reconsideration before the three judges who decided your case. A rehearing en banc is reconsideration of your case before all the active judges of this court. Note that petitions for panel rehearing and petitions for rehearing en banc are rarely granted.

#### 1. Time to File

You have 30 days (45 days if the United States is a party) from the date of the court's decision to file a petition. FCR 40(d).

#### 2. Filing Requirements

Your petition may not exceed 3,900 words if produced electronically, or 15 pages otherwise. A copy of the opinion or judgment must be attached to the petition as an addendum. No other documents should be attached to the petition. FRAP 35(b)(2) and 40(b).

You may file an informal petition for panel rehearing or rehearing en banc by submitting three copies in letter form not to exceed 15 typewritten double-spaced pages, attaching to each a copy of the opinion or judgment sought to be reheard. FCR 40(f). Electronic filers must provide the three paper copies in addition to the copy filed electronically.

### 3. Response to the Petition

If the court requests a response to a petition for panel rehearing or petition for rehearing en banc, the answer may not exceed 3,900 words if produced electronically, or 15 pages otherwise. Three copies of a response must be filed. FCR 25(c)(3).

## C. Recovery of Costs

"Costs" are the expenses of printing or copying briefs and appendices, and they may amount to several hundred dollars. Attorney fees are not considered costs.

Unless the court states otherwise, if you lose your case, you may be responsible for paying the costs of the other party. If you prevail, the court may allow you to have your own costs paid by the other party. Refer to [Form 24](#) on the court's website for the Bill of Costs Form and Instructions.

If you are responsible for costs, the matter is between you and the other party, and neither the court nor the Clerk's Office will resolve any dispute between the parties once the costs have been taxed. FRAP 39 and FCR 39. If your petition for review involved a claim under USERRA, costs will not be taxed against you.

## D. Attorney Fees

You are not entitled to payment for your own services in pursuing your case pro se; only an attorney may be awarded attorney fees. Before filing a petition for review or an appeal, you may wish to seek a lawyer willing to undertake the case on the contingency that the attorney fees may be payable under the Equal Access to Justice Act. FCR 47.7.