

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT  
501 POTTER STEWART U.S. COURTHOUSE  
100 EAST FIFTH STREET  
CINCINNATI, OHIO 45202-3988**

**Deborah S. Hunt  
Clerk**

**513-564-7000**

April 3, 2023

**NOTICE OF PROPOSED ADOPTION OF NEW SIXTH CIRCUIT LOCAL RULE 42  
AND AMENDMENTS TO SIXTH CIRCUIT LOCAL RULE 27(d)  
AND ADOPTION OF NEW I.O.P. 25**

Pursuant to 28 U.S.C. § 2071(e), and 6 Cir. R. 47, the United States Court of Appeals for the Sixth Circuit provides notice that it adopted the attached new Sixth Circuit Local Rule 42 and amendments to Sixth Circuit Local Rules 27(d) and 205, effective April 15, 2023.

The court hereby invites public comment on the newly adopted local rule and I.O.P. and amendments to existing rules. Comments should be submitted by June 30, 2023 and addressed to:

Deborah S. Hunt, Clerk  
Sixth Circuit Court of Appeals  
501 Potter Stewart U.S. Courthouse  
100 East Fifth Street  
Cincinnati, Ohio 45202-3988

OR

[RulesComments@ca6.uscourts.gov](mailto:RulesComments@ca6.uscourts.gov)

## Amended

### 6 Cir. Rule 27(d)

**Previous 6 Cir. Rule 27(d). Motion to dismiss.** A party may file a motion to dismiss asserting lack of jurisdiction. Ordinarily, the court will not grant other motions to dismiss.

**Amended 6 Cir. Rule 27(d). Motion to dismiss.** A party may file a motion to dismiss asserting lack of jurisdiction or threshold procedural grounds. Ordinarily, the court will not grant other motions to dismiss.

## New

**6 Cir. Rule 42.** A voluntary motion to dismiss a criminal appeal or an appeal in a post-conviction proceeding must contain a statement, signed by the appellant, demonstrating knowledge of the right to appeal and expressly electing to withdraw the appeal. If the statement is not included, counsel must show that exceptional circumstances prevented its inclusion. Proof of service must include service on the appellant him or herself.

## New

**6 Cir. I.O.P. 25.** The court cautions parties in criminal cases not to include in briefs or other filings information regarding a defendant's or other witness's cooperation with the government, if that information has not previously been disclosed on the public record and if disclosure might create a risk to the defendant's or other witness's safety. If a party deems it necessary to include such information, the party should move to seal or redact the filings under 6 Cir. R. 25 and Sixth Circuit Guide to Electronic Filing §§ 7 and 12.