

Proposed Amendments to Rule 79

Rule 79 is amended as follows:

Rule 79. Records Kept by the Clerk

(a) Civil Docket.

(1) In General. The clerk must keep a record known as the “civil docket” for each case. The clerk must enter each civil case in the docket. Cases must be assigned consecutive file numbers, which must be noted in the docket where the first entry is made.

(2) Items to be Entered. The following items must be marked with the file number and entered chronologically in the docket:

(A) papers filed with the clerk;

(B) process issued, and proofs of service or other returns showing execution; and

(C) appearances, orders, verdicts, and judgments.

(3) When a jury trial has been properly demanded or ordered, the clerk must enter the word “jury” in the docket.

(b) Judgments and Orders. The clerk will keep a copy of every final judgment and appealable order, together with all opinions, decisions, or findings of fact and conclusions of law on which it is based, and any other order that the court directs to be kept.

(c) Notices of Orders or Judgments.

(1) Immediately on the entry of an order the clerk must serve a notice of the

entry, together with a copy of the order and any accompanying memorandum, by delivery or mail in the manner prescribed in Rule 5 on each party who is not in default for failure to appear, and should make a note in the docket of the delivery or mailing. Any party may in addition serve a notice of such entry in the manner prescribed in Rule 5 for the service of papers.

(2) Immediately on the entry of a judgment the clerk must serve a notice, together with a copy of the judgment, opinion, decision, or findings of fact and conclusions of law on which it is based, by delivery or mail in the manner provided for in Rule 5 on each party who is not in default for failure to appear, and, if appropriate, the port director of the customs port **or the Center** in which the case arose, and must make a note in the docket of the delivery or mailing. Any party may in addition serve a notice of such entry in the manner prescribed in Rule 5 for the service of papers.

(3) Lack of notice of the entry by the clerk does not affect the time to appeal or relieve, or authorize the court to relieve, a party for failure to appeal within the time allowed, except as permitted in Rule 4(a) of the Federal Rules of Appellate Procedure or by the rules of the United States Court of Appeals for the Federal Circuit.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; Sept. 25, 1992, eff. Jan. 1, 1993; Aug. 29, 2000, eff. Jan. 1, 2001; Sept. 30, 2003, eff. Jan. 1, 2004; Nov. 25, 2008, eff. Jan. 1, 2009; Dec. 7, 2010, eff. Jan. 1, 2011; _____, **2021**, eff. _____, **2021**.)

Advisory Committee Note

To allow the court flexibility in providing a copy of a final judgment to U.S. Customs and Border Protection (CBP) upon conclusion of a case, the revisions provide that the court may serve a copy of a final judgment on the port or the Center of Excellence and Expertise in which the case arose.