

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

HOW TO CALCULATE TIME FOR FILING DOCUMENTS

Authority: Rule 6 and 5(b) of Federal Rules of Civil Procedure¹

Under Rule 6(a), the day of the event that triggers the period is not counted. All other days—including intermediate Saturdays, Sundays, and federal legal holidays—are counted, with one exception: If the period ends on a Saturday, Sunday or legal holiday, then the deadline falls on the next day that is not a Saturday, Sunday, or legal holiday.

Under Rule 5(b), when a document is served by mail, the mailing of the document triggers the beginning of the period, not the date the document is received. The date the document was mailed will appear on the certificate of service, which is required to be sent with the document as provided in Rule 5(d). Under Rule 6(e), 3 additional calendar days are added to the period if the document is served by mail. But these rules do not apply if the judge sets a specific calendar day as the deadline.

Example 1 Plaintiff has 14 days to respond to defendant’s motion, which was hand delivered on Monday, August 23, 2010. The calculation begins on Tuesday, August 24, the day after service. The response is due no later than Tuesday, September 7, 2010 (Monday, September 6, 2010 is Labor Day).

Example 2: Plaintiff has 14 days to respond to defendant’s motion, which was mailed to plaintiff on Monday August 23, 2010. Plaintiff receives the motion on Wednesday, August 25, 2010. The calculation begins on Tuesday, August 24, the day after the document was mailed. But three additional days are added to the Example 1 calculations because the motion was mailed. Plaintiff’s response is due no later than Friday, September 9, 2010.

We hope that you find the above information helpful.

U.S. District Court Customer Services Staff.

¹ Court Personnel are not permitted to evaluate your case or to offer advice on how to proceed with your case. We can, however, provide you general information about court rules and procedures. The information above is intended to assist you in calculating the time for filing certain types of documents as required by court order, or by federal or local rules. We cannot perform the calculation for you, nor are we able to make a determination as to whether or not you are calculating the time correctly.