Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

BECKER *v.* MONTGOMERY, ATTORNEY GENERAL OF OHIO, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 00–6374. Argued April 16, 2001– Decided May 29, 2001

Petitioner Becker, an Ohio prisoner, instituted a *pro se* civil rights action contesting conditions of his confinement under 42 U. S. C. §1983. The Federal District Court dismissed his complaint for failure to exhaust prison administrative remedies and failure to state a claim for relief. Within the 30 days allowed for appeal from a district court's judgment, see 28 U. S. C. §2107(a); Fed. Rule App. Proc. 4(a)(1), Becker, still *pro se*, filed a notice of appeal using a Government-printed form on which he filled in all of the requested information. On the line tagged "(Counsel for Appellant)," Becker typed, but did not hand sign, his own name. The form contained no indication of a signature requirement. The District Court docketed the notice, sent a copy to the Court of Appeals for the Sixth Circuit, and subsequently granted Becker leave to proceed *in forma pauperis* on appeal. The Sixth Circuit Clerk's Office sent Becker a letter telling him that his appeal had been docketed, setting a briefing schedule, and stating that the court would not hold him to the same standards it required of attorneys in stating his case. Becker filed his brief in advance of the scheduled deadline, signing it on both the cover and the last page. Long after the 30-day time to appeal had expired, the Sixth Circuit dismissed the appeal on its own motion, holding, in reliance on its prior *Mattingly* decision, that the notice of appeal was fatally defective because it was not signed. The Court of Appeals deemed the defect "jurisdictional," and therefore not curable outside the time allowed to file the notice. No court officer had earlier called Becker's attention to the need for a signature.

Held: When a party files a timely notice of appeal in district court, the failure to sign the notice does not require the court of appeals to dis-

miss the appeal. Pp. 4–10.

(a) The Sixth Circuit based its *Mattingly* determination on the complementary operation of two Federal Rules: Federal Rule of Appellate Procedure (Appellate Rule) 4(a)(1), which provides that "the notice of appeal required by Rule 3 [to commence an appeal] must be filed with the district clerk within 30 days after the judgment . . . appealed from is entered"; and Federal Rule of Civil Procedure (Civil Rule) 11(a), which provides that "[e]very pleading, written motion, and other paper [filed in a district court] shall be signed" by counsel or, if the party is unrepresented, by the party himself. P. 4.

(b) The Sixth Circuit is correct that the governing Federal Rules call for a signature on notices of appeal. Civil Rule 11(a), the signature requirement's source, comes into play on appeal this way. An appeal can be initiated, Appellate Rule 3(a)(1) instructs, "only by filing a notice of appeal with the district clerk within the time allowed by [Appellate] Rule 4." Whenever the Appellate Rules provide for a filing in the district court, Appellate Rule 1(a)(2) directs, "the procedure must comply with the practice of the district court." The district court practice relevant here is Civil Rule 11(a)'s signature requirement. Notices of appeal unquestionably qualify as "other paper[s]" under that requirement, so they "shall be signed." Without a rule change so ordering, the Court is not disposed to extend the meaning of the word "signed" to permit typed names, as Becker urges. Rather, the Court reads Civil Rule 11(a) to call for a name handwritten (or a mark handplaced). Pp. 4–6.

(c) However, the Sixth Circuit erred in its dispositive ruling that the signature requirement cannot be met after the appeal period expires. As plainly as Civil Rule 11(a) requires a signature on filed papers, so the rule goes on to provide that "omission of the signature" may be "corrected promptly after being called to the attention of the attorney or party." Corrections can be made, the Rules Advisory Committee noted, by signing the paper on file or by submitting a duplicate that contains the signature. Civil Rule 11(a)'s provision for correction applies to appeal notices. The rule was formulated and should be applied as a cohesive whole. So understood, the signature requirement and the cure for an initial failure to meet the requirement go hand in hand. Becker proffered a correction of the defect in his notice in the manner Rule 11(a) permits— he attempted to submit a duplicate containing his signature— and therefore should not have suffered dismissal of his appeal for nonobservance of that rule. The Court does not disturb its earlier statements describing Appellate Rules 3 and 4 as "jurisdictional in nature." *E.g., Torres* v. *Oakland Scavenger Co.,* 487 U. S. 312, 315. The Court rules simply and only that Becker's lapse was curable as Civil Rule 11(a) prescribes; his ini-

tial omission was not a "jurisdictional" impediment to pursuit of his appeal. While Appellate Rules 3 and 4 are indeed linked jurisdictional provisions, Rule 3(c)(1), which details what the notice of appeal must contain, does not include a signature requirement. Civil Rule 11(a) alone calls for and controls that requirement and renders it nonjurisdictional. Pp. 6–8.

(d) The Court rejects the argument that, even if there is no jurisdictional notice of appeal signature requirement for parties represented by attorneys, *pro se* parties, like Becker, must sign within Rule 4's time line to avoid automatic dismissal. The foundation for this argument is Appellate Rule 3(c)(2), which reads: "A pro se notice of appeal is considered filed on behalf of the signer and the signer's spouse and minor children (if they are parties), unless the notice clearly indicates otherwise." That provision does not dislodge the signature requirement from its Civil Rule 11(a) moorings and make of it an Appellate Rule 3 jurisdictional specification. Rather, Rule 3(c)(2) is entirely ameliorative; it assumes and assures that the *pro se* litigant's spouse and minor children, if they were parties below, will remain parties on appeal, unless the notice clearly indicates a contrary intent. This reading of Rule 3(c)(2) is in harmony with a related ameliorative rule, Appellate Rule 3(c)(4), which provides: "An appeal must not be dismissed for informality of form or title of the notice of appeal, or for failure to name a party whose intent to appeal is otherwise clear from the notice." Imperfections in noticing an appeal should not be fatal where no genuine doubt exists about who is appealing, from what judgment, to which appellate court. See, *e.g.*, *Smith* v. *Barry*, 502 U. S. 244, 245, 248–249. Pp. 8–10.

Reversed and remanded.

GINSBURG, J., delivered the opinion for a unanimous Court.