

**NRAP 12A – Proposed**  
**(Retain NRAP; no amendments)**

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**RULE 12A. REMAND AFTER AN INDICATIVE RULING BY THE  
DISTRICT COURT ON A MOTION FOR RELIEF THAT IS BARRED  
BY A PENDING APPEAL**

**(a) Notice to the Appellate Court.** If a timely motion is made in the district court for relief that it lacks authority to grant because of an appeal that has been docketed and is pending, the movant must promptly notify the clerk of the Supreme Court if the district court states either that it would grant the motion or that the motion raises a substantial issue.

**(b) Remand After an Indicative Ruling.** If the district court states that it would grant the motion or that the motion raises a substantial issue, the Supreme Court or the Court of Appeals may remand for further proceedings but the appellate court retains jurisdiction unless it expressly dismisses the appeal. If the appellate court remands but retains jurisdiction, the parties must promptly notify the clerk of the Supreme Court when the district court has decided the motion on remand.