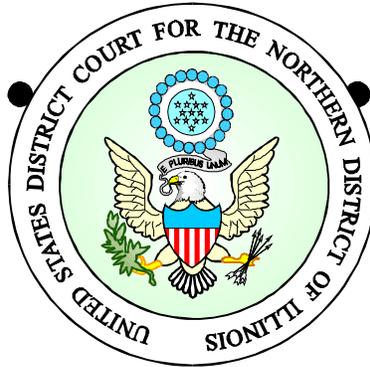


**FILING A CIVIL CASE
WITHOUT AN ATTORNEY:
A GUIDE FOR THE PRO SE LITIGANT**



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

(5/12/06)

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Introduction

This guide is intended to help people who want to file a civil case without an attorney. Someone who files a civil case on his or her own behalf is often referred to as a pro se party or pro se litigant (pronounced pro say).

If you are a pro se litigant, this guide will help you to understand some of the legal terms you are likely to hear as your case proceeds. It will explain some of the guidelines that control how a civil case moves forward. It will also give you information about a few legal resources you may wish to consult. However, the guide is *not* a substitute for an attorney.

The staff of the Clerk's Office can help you by answering questions about procedures, but they are *forbidden by law* from giving you legal advice. This means, for example, that the Clerk's staff *cannot* do any of the following:

- recommend a legal course of action or suggest ways to help you win your case;
- predict how a district or magistrate judge may decide any issue;
- interpret the meaning of any judicial order; or
- interpret the local rules of this Court, federal procedural rules, or federal statutes.

The rules and procedures that affect the way your case proceeds can be hard to understand. With that in mind, you should seriously consider trying to obtain professional legal assistance. There are legal organizations that can help arrange for you to have a chance to talk with a lawyer about your case for a small fee. There are also some organizations that help to arrange for attorneys to represent litigants at no charge. A separate section of this guide lists organizations that may be able to offer you legal assistance.

This guide has been organized into the following sections:

- Legal Words: Some Terms You May Encounter and What They Mean
- Filing Your Case: What You Must Do to Get Started
- Proceeding In Forma Pauperis
- Fees
- A Few Basic Procedures for Ongoing Cases
- The Clerk's Office
- Getting Legal Help
- Appendix: Samples of Forms and Local Rules

Copies of the forms that are included in the Appendix of the guide may be obtained from the Clerk's Office in Chicago or Rockford. The Chicago office is located on the 20th floor of the

Dirksen Federal Courthouse at 219 South Dearborn Street. The Rockford, Illinois office is located on the 2nd floor of the United States Courthouse at 211 South Court Street .

The District is divided into two divisions. The Chicago courthouse is the headquarters for the District's Eastern Division. The Rockford courthouse is the headquarters for the District's Western Division. A map of the District has been included in the appendix, showing the counties in each division.

Legal Words: Some Terms You May Encounter and What They Mean

The courts and lawyers use words that you may not encounter in other settings. Because their vocabulary is specialized, you are likely to hear or see terms that are somewhat confusing. This section gives you definitions of some of the most common legal terms used in civil cases. It is intended to help make it easier to understand the discussion in the rest of the guide.

Amount in controversy	The phrase “amount in controversy” is sometimes used to describe the amount of money requested in a civil case.
Answer	The answer is the name for the document filed as the defendant’s basic response to the complaint filed by the plaintiff. The answer must respond to each of the points made in the complaint.
Appearance form	An appearance form is a document form that records the name and address of someone who is representing one or more of the parties in a case. It is called an appearance form because it is a formal statement by the person who files it that he or she will “appear” in court on behalf of a party. The information entered on the appearance form is used by the Clerk’s Office to send copies of notices and orders. Appearance forms are completed by both attorneys and pro se litigants. A sample appearance form has been included in the Appendix.
Civil case	A civil case is a legal action in which one party (the plaintiff) sues another party (the defendant). In a civil case, the plaintiff claims that the defendant or defendants failed to carry out some type of legal duty—for example, the duty to comply with a contract or the duty not to violate constitutional rights. The plaintiff also claims to have suffered a financial loss or personal injury because of the defendant’s actions. In most civil cases the plaintiff asks the court to order the defendant to pay for the harm suffered by the plaintiff.
Civil cover sheet	The civil cover sheet is a form completed by the plaintiff that is submitted along with the complaint. The civil cover sheet records basic information about the civil case, including the names of the parties, the type of case, and the damages being requested by the plaintiff. The plaintiff may also use the civil cover sheet to request that the case be tried by a jury. Civil cover sheets are used to collect statistical information for the federal government about the kinds of cases filed

in district courts. A sample civil cover sheet is included in the Appendix.

Complaint	The complaint is the document filed by the plaintiff that begins the lawsuit. It names each defendant, describes how the plaintiff was harmed by each defendant, explains why the court has jurisdiction over the case (“jurisdiction” is defined below), and describes the money damages or other forms of relief requested by the plaintiff. The complaint <i>must</i> be signed, either by an attorney or by the pro se party.
Counsel	“Counsel” is another name for attorney.
Damages	“Damages” is the word used to describe the harm that the plaintiff says was caused by the defendant. It is also used to describe the amount of money requested by the plaintiff in the complaint.
Default judgment	A default judgment is a judgment entered in the plaintiff’s favor because the defendant failed to answer or respond to the complaint.
Defendant	In a civil case, the defendant is the person being sued by the plaintiff.
Discovery	“Discovery” is a word used to describe the phase of a civil case where each side collects information from the other. This may mean getting copies of documents or holding interviews, called depositions, where one side answers questions asked by the other side about facts and events relevant to the case, with the answers being formally recorded as part of a record that may be used in the case.
District judges	These are the judges of the Court. District judges are sometimes called “Article III” judges because they are appointed for life under Article III of the United States Constitution.
Docket	The docket is a short written record of what happens in a civil case. Each document filed in the case and each order entered by the judge is noted on the docket. In most federal district courts—including the Northern District of Illinois—the docket is a computerized record. This computerized docket is part of an automated system called the Integrated Case Management System, or ICMS. “The docket” and “the ICMS docket” are different names for the same thing.

Federal Rules of Civil Procedure

The Federal Rules of Civil Procedure are a set of rules that govern the way civil cases are handled in all federal district courts. Approved by the Supreme Court and by Congress, these rules have the force of law. They are often referred to by the abbreviation FedRCivP, FRCP, or FRCvP. Copies of the Federal Rules of Civil Procedure may be consulted at the William J. Campbell Law Library on the 16th floor, and can probably also be found in any public library. The Federal Rules may also be consulted through the Court’s website, www.ilnd.uscourts.gov.

In forma pauperis

A person who cannot afford to pay the \$350 filing fee for a civil case has the option of asking the court for permission to file a case without paying the fee in advance. To make this request, the party files a petition called an in forma pauperis petition, or IFP petition. In Latin, the phrase in forma pauperis means “as a poor person.” This petition is a sworn statement that lists the plaintiff’s income and other assets, and is used by the judge in deciding whether or not the plaintiff should be allowed to proceed without paying the filing fee.

Judgment

The judgment is the final decision made by the judge that ends the case.

Jurisdiction

Jurisdiction is the legal authority of the court to hear a civil case. Federal district courts have jurisdiction only over the following types of civil cases:

- cases where the U.S. government is a plaintiff;
- cases where the U.S. government is a defendant;
- cases involving a constitutional right or a federal law (these are called federal question cases); and
- cases where the plaintiff and defendant live in different districts, for example, cases where the parties live in different states. This last type of case is called a diversity case. In diversity cases, the dollar amount in controversy in the case must be *at least \$75,000*.

Leave to

The words “leave to” or “leave” are often used when a party is asking for the court’s permission to do something. For example, an attorney’s request for leave to appear in a case is a request for the court’s permission to appear.

Litigant	The word litigant is another name for the parties involved in a case, generally the plaintiff and the defendant.
Local rules	District courts have a set of their own rules that control aspects of civil cases. Copies of the local rules may be purchased from the Clerk’s Office. They may also be consulted in law libraries. The local rules are also available on the Court’s website, www.ilnd.uscourts.gov .
Magistrate judges	Magistrate judges are judicial officers appointed by the Court for an eight-year term of office. In civil cases, magistrate judges can handle a wide range of matters referred to them by district judges. If all of the parties in a civil case give their consent, a civil case can be reassigned to a magistrate judge for trial. When a civil case is filed, a magistrate judge is designated for that case. If the case requires the involvement of a magistrate judge at any point, it will go to the designated magistrate judge.
Minute order	A minute order is a form used by judges to set schedules in cases and to record brief rulings. Judges may use the reverse side of this form to enter brief orders or to provide instructions or information about the case.
Order	An order is a decision or set of instructions by a judge that usually directs the plaintiff or defendant to do something.
Party	Each person or company named in the lawsuit on either side of the case is called a party.
Plaintiff	In a civil action, the plaintiff is the party who files the case.
Pleadings	A pleading is a written document that sets out the basic position and argument of one of the parties in a case. In most cases, the basic pleading for the plaintiff is the complaint and the basic pleading for the defendant is the answer. In some cases, the basic response of the defendant on some occasions is a motion to dismiss the case instead of an answer.
Relief	“Relief” is another name for the money or other damages requested by the plaintiff in the complaint. When a party files a motion, the word “relief” is sometimes used to describe what action the party filing the motion is asking the judge to do.

Referral	A referral is an order entered by a district judge that directs a magistrate judge to handle one or more aspects of a case. Examples of matters that are sometimes referred to a designated magistrate judge are the supervision of the discovery process or the handling of a specific motion filed by one of the parties.
Service of process	“Service of process” is a phrase used to describe the act of formally serving a summons and a copy of the complaint on the defendant. Plaintiffs may not serve the summons on the defendant themselves. Service of process is usually carried out by a process server. Where ordered by the court, service in certain circumstances may be made by the U.S. Marshal (see also “waiver of service”).
Settlement	A settlement is one of the ways a case can end. A settlement occurs when the parties resolve their civil dispute, usually after negotiations among themselves rather than the court or a jury deciding the case.
Summons	A summons is a formal notice by the court telling the defendant that he or she is being sued by the plaintiff, and that an answer is required. The phrase used to describe the Clerk’s Office providing a signed and sealed copy of a summons to the plaintiff is “issuing the summons.” Even though the summons is a notice from the Court, <i>the plaintiff is responsible for delivering the summons and a copy of the complaint to the defendant, in accordance with F.R.Cv.P. 4.</i> Phrases that are sometimes used to describe delivering the summons to the defendant are “service of summons” and “executing service.” A copy of a blank summons is included in the Appendix.
Waiver of service	“Waiver of service” refers to circumstances where the plaintiff is able to waive (skip) the formal service of the summons on the defendant. For the plaintiff, the benefit of waiving service is not having to pay the cost of serving the summons. For defendants, the benefit of agreeing to waive service is extra time to file an answer to the complaint. Defendants who agree to waive service have 60 days to file an answer instead of the standard 20 days to answer. The U.S. government may not waive service. The Appendix includes two forms that are used for this purpose, a Notice of Lawsuit and Request for Waiver of Service of Summons, which is the form sent to the defendant by the plaintiff, and a Waiver of service, which is the form sent to the

Clerk's Office by a defendant who agrees to waive service. These two forms are included in the Appendix.

Filing Your Civil Case: What You Must Do to Get Started

Documents You Are Required to File

When you file a civil case, you must complete and submit each of the following documents to the Cashier:

- an original signed complaint.
Extra copies of the complaint are required. In addition to your original complaint, you must submit one extra copy for the judge. If you do not pay the filing fee and submit a petition to proceed without prepaying the fee, you will need to submit one extra copy of your complaint for each defendant. (IFP petitions are discussed in a section that begins on page 12).
- a civil cover sheet.
- an appearance form.
- a summons for each defendant named in the complaint.
You need to provide an original and one copy for each defendant. If you are suing the federal government or one of its agencies, you must provide three more copies *in addition to* the copies for the named defendants.
- *Either* the \$250 filing fee *or* the forms used to request permission to proceed in forma pauperis. If you are requesting leave to proceed in forma pauperis, you must submit an original IFP petition and a copy for the judge.

If you wish to have a court-appointed attorney, you may file a motion for appointment of counsel at the same time that you file the documents listed above. A copy of a form that can be used to request appointment of counsel is included in the appendix. As with every document filed with the court, you must file an original and one copy of the motion for the judge.

A separate section of this guide covers the steps involved in filing a petition for leave to proceed in forma pauperis (see page 12). Another section deals with special procedures that you need to follow if you are filing an employment civil rights case (see page 13). In *this* section of the guide, assume that you can afford to pay the \$250 filing fee and that you are not filing a civil rights employment case.

The Complaint

In the space at the top right of the first page, enter “United States District Court.” On the line below that, enter “Northern District of Illinois.” In the top left of the first page of your complaint you should list the names of the parties in your case. Your name (the plaintiff) should appear first. On the next line, enter the letter “v.,” which is short for “versus” or “against”. List the names of the defendant or defendants below the “v.” You must list *all* of the parties. Each person should be identified as a plaintiff or a defendant. Underneath the party names and the name of the court, enter the word “Complaint” to identify your document.

The basic information that identifies the document is sometimes called the “caption.” An example of a caption is the following:

)	United States District Court
A. Smith,)	Northern District of Illinois
Plaintiff)	
)	
v.)	
)	
B. Jones,)	
Defendant)	

COMPLAINT

After the caption, write a description of your case. You should tell what happened to you and why you believe that the defendant is responsible for the damage or injury you experienced. You should tell why the court has jurisdiction over the case (“jurisdiction” is defined in the legal terms section of this guide). You must also state what you want the court to do, for example, the amount of money you are seeking from the defendant

If possible, you should write your complaint in the form of numbered paragraphs, with each paragraph covering a separate point of your case.

Your complaint is your side of the case and your version of events. It is important for you to be careful, complete, and as clear as possible in your complaint.

You must sign the complaint on the last page. Below your signature, you need to print your name and address.

What Happens When You Submit the Complaint.

You should complete the complaint, civil cover sheet, appearance form, summons, and any other documents you want to file *before* you arrive at the Clerk's Office to file your case. Bring your documents to the cashier's window, located in the northeast corner of the 20th floor of the Chicago courthouse. [NOTE: in the Western Division, bring documents to the Clerk's Office, located on the second floor of the Rockford courthouse].

When you present your documents, the cashier will review them to be sure that they appear to have been properly completed. The clerk will then assign the next available civil case number to your complaint. A computer program will be used to randomly pick a district judge for your case. A magistrate judge will also be designated for your case. You may stamp the case number and the district and magistrate judges' names your copies at the time of filing. The cashier will stamp the original and judge's copy of the complaint and each additional copy of the complaint that will be served on the defendant(s).

If you have paid the filing fee and have summons, the cashier will issue an original and one copy for each defendant and will give them back to you for service.

If you are filing a petition for leave to proceed in forma pauperis, see the section below. In all other cases, it is your responsibility to ensure that the summons and a copy of the complaint are served on the defendant. However, *you may not serve the summons yourself*. Your options for serving the summons are the following:

- You can arrange for a private process server to serve the summons. The process server will file an affidavit with the court stating how the service was carried out. A summons may be served by anyone over the age of 18 who is not a party to the case.
- You can file a motion asking the Court to direct the U.S. Marshal to serve the summons, on the grounds that you cannot afford to prepay the cost of a process server.
- You can ask the defendant to waive the right to formal service. If you want to use this approach, you need to send the defendant a Notice of Lawsuit and Waiver of Service Form.

Service in a civil case must be carried out properly. The basic guidelines for service are described in Rule 4 of the Federal Rules of Civil Procedure. Failure to serve correctly may result in a case being dismissed. The text of Rule 4 has been included in the appendix to this guide.

Filing a Petition to Proceed In Forma Pauperis

If you are unable to pay the \$350 filing fee for a civil case, you may ask the court to let you proceed without paying the fee in advance. The Latin phrase used for proceeding in this way is “in forma pauperis.” Translated, this phrase means “in the status of a poor person.” This phrase is often shortened to “IFP.” Cases of this type are sometimes called IFP cases.

A separate document is used to ask permission to proceed in forma pauperis. The full name of this document is an “Application to Proceed Without Prepayment of Fees and Affidavit.” This document is almost always called by the shorter name of “IFP petition.”

A copy of a blank IFP petition is included in the Appendix. Blank IFP petitions may be obtained in the public area of the Clerk’s Office. If you want to proceed in forma pauperis, you need to submit a completed original IFP petition and a copy for the judge at the same time that you submit your complaint and associated documents.

If you file an IFP petition, you should provide the cashier with an original and one copy of the summons for each defendant at the time that you present your IFP petition. The summons will be kept with your file. If the judge grants your request to proceed in forma pauperis, the summons will issue. The IFP petition, the complaint, and any other documents you submitted along with the complaint will be sent to the assigned district judge. There are a number of possible results of this review. Some of the more common outcomes are the following:

- The judge may grant the IFP petition. If this happens, the summons will be issued. The judge may also direct the U.S. Marshal to serve the summons and complaint on the defendant.
- The judge may determine that you *can* afford the \$350 filing fee. If this happens, you will need to pay the filing fee—usually within a specified period of time—before your case can proceed and the summons is issued.
- The judge may require you to pay a part of the \$350 filing fee. If this happens, you must comply with the judge’s instructions within a specified time before your case proceeds.
- The judge may ask for more information from you before ruling on your IFP petition.
- The judge may also review your complaint and decide, on the basis of that review, that your case should be dismissed on legal grounds. If this happens, your case will not proceed.

Filing a Complaint of Employment Discrimination

If you are suing the federal government or one of its agencies for employment discrimination, follow the guidelines for preparing a complaint described above starting on page 9. *In all other instances where a claim of employment discrimination is made, a separate complaint form is used.*

The intake clerk will give you blank copies of the employment discrimination complaint form on request. A copy of this form has been included in the Appendix of this guide.

The remainder of this section tells you how to complete the employment discrimination complaint form. If you need additional room for your answer to any of the items on the form, you may enter the extra information on a plain piece of paper that is the same size as the employment discrimination form. If you add an extra page for one of the items in the form, write “see additional page” in the place on the form where you run out of room to write. On your additional page, write the number of the item and the word “continued” (For example, “Item 13 continued”).

Identifying the Parties

At the top of the form, write your name in the lined space above “(Name of the plaintiff or plaintiffs).” On the lines above “(Name of the defendant or defendants),” write the name of the party or parties you want to sue. If you need more space to list plaintiffs or defendants, use an extra sheet of paper, and indicate on the original form that the list of parties continues to another page. Be careful to identify each party as a plaintiff or defendant.

Numbered Items in the Employment Discrimination Complaint Form

- 1) This item simply identifies the complaint as a legal action involving a claim of employment discrimination. You do not need to write anything here.
- 2) Item 2) tells the court who you are. Complete this item by entering your name and the county and state where you live. If the case involves more than one plaintiff, you need to add the counties and states where each plaintiff lives.
- 3) Item 3) identifies the defendant. Complete this item by entering the name, address, and (if available) the telephone number of each defendant. Please note that, in general, the defendant named in the complaint filed in this Court must be the same person or company that was named in the EEOC proceeding.
- 4) Item 4) identifies the place of business where you believe the employment discrimination happened. Complete this item by entering the address of the business.

- 5) Item 5) describes your employment relationship with the defendant at the time you are filing your complaint. Complete this item by putting an “X” or a “✓” in the box that describes your current status.
- 6) Item 6) indicates when you believe the employment discrimination occurred or—if you believe the discrimination is still going on—when the discrimination started. Complete this item by entering the date. If you do not know a specific date, complete item 6 by entering the date that is your best estimate of when the discrimination happened or started.
- 7) Item 7) indicates whether you have or have not previously taken your employment discrimination complaint to either the Equal Employment Opportunity Commission (EEOC) *or* the Illinois Department of Human Rights. Record your response by entering an “X” or a “✓” in the box labeled “has not” or the box labeled “has.”

If you indicated in 7)(a) that you *have* filed your complaint with the EEOC or the Illinois Department of Human Rights, complete items 7)(a)(i) or 7)(a)(ii) to indicate which of these agencies you have been before and the date you filed your complaint with them.

In item 7)(b), enter an “X” or a “✓” in the box labeled “Yes” or “No” to indicate whether you have attached a copy of the charge you brought before the EEOC and/or the Illinois Human Rights Commission.

- 8) If the EEOC has not issued you a document called a “Notice of Right to Sue,” enter an “X” or a “✓” in box 8)(a).

If the EEOC *has* issued you a “Notice of Right to Sue,” enter an “X” or a “✓” in box 8)(b). Complete the rest of item 8)(b) by entering the date on which you received the EEOC notice. Attach a copy of your “Notice of Right to Sue” to the complaint form.

- 9) Item 9) indicates the type of discrimination covered by your complaint. Read the list of discrimination types, then enter an “X” or a “✓” in the boxes or boxes that you believe apply to your situation.
- 10) If the defendant in your complaint is a state or local government agency *and* you are claiming discrimination on the basis of race, color, or national origin, complete item 10) by entering an “X” or a “✓” in the box labeled “YES.” For all other complaints, enter an “X” or a “✓” in the box labeled “NO.”

- 11) This item lists the laws that give the District Court jurisdiction over the case. You do not need to write anything here.
- 12) Use item 12) to indicate what action or actions you believe the defendant took that affected your employment. Read the list of six actions, then enter an “X” or a “✓” in the boxes or boxes that you believe apply to your situation. Note that this item 12)(f) allows additional space for you to write more if you believe that items 12)(a) through 12)(e) don’t apply to your complaint. Please note that a plaintiff is generally permitted to proceed in this Court *only* on claims that have been presented to the EEOC.
- 13.) Use item 13) to briefly describe the facts that lead you to believe that you have been discriminated against by the defendant.
- 14) Item 14) consists of specific language that is required in employment complaints that claim discrimination on the basis of age. You do not need to write anything here.
- 15) Use item 15) to indicate whether or not you want your case to be tried by a jury. If you want a trial by jury, enter an “X” or a “✓” in the box labeled “YES.” If you do not want to demand a jury trial, enter an “X” or a “✓” in the box labeled “NO.”
- 16) Use Item 16) to tell the Court what you want to happen as a result of your employment discrimination complaint. Read the list of kinds of relief, then enter an “X” or a “✓” in the boxes or boxes that indicate the result you want. Note that item 16)(f) allows additional space for you to write more if necessary.

Signature, Date, Name, and Address

You must sign the employment discrimination complaint. Do this on the last page of the form. You must also enter your name, address, and telephone number.

Completing the Civil Cover Sheet for an Employment Discrimination Complaint

The civil cover sheet is a form that you need to complete and submit along with your complaint. The civil cover sheet records basic information about your civil case. There are instructions on the reverse side of the civil cover sheet describing how the cover sheet should be completed. However, a brief summary for employment discrimination complaints may be helpful.

- Identifying the parties. Record the names of the parties in the spaces labeled “plaintiffs” and “defendants” at the top of the civil cover sheet.

- Basis of jurisdiction. Unless you are suing the federal government, enter an “X” or a “✓” in the box labeled “federal question.” If you are suing the federal government enter an “X” or a “✓” in the box labeled “U.S. Government Defendant.”
- In an employment discrimination case you do not need to enter anything in the section of the civil cover sheet labeled “Citizenship of Principal Parties.”
- In the section labeled “Origin,” enter an “X” or a “✓” in the box labeled “Original Proceeding.”
- In the part of the civil cover sheet section labeled “Nature of Suit,” find the section labeled “Civil Rights.” Next, enter an “X” or a “✓” in the box labeled “442 Employment.”
- In the section labeled “Cause of Action,” enter “complaint of employment discrimination.”
- In the part of the civil cover sheet labeled “Requested in Complaint,” find the section labeled “Demand \$.” If you are asking that the court order the defendant to pay you a specific amount of money, enter that amount next to “Demand \$.” If you are *not* requesting an award of money, enter “0” next to “Demand \$.”

In the same section of the civil cover sheet, enter the same information about your request for a jury trial that you entered in item 15) of your employment discrimination complaint form.

- Refiling a Previously Dismissed Case. If you have previously filed a complaint involving the same claim of discrimination by the same defendant, enter the name of the judge and the case number in the space provided in this section of the civil cover sheet.
- Date and signature. Record the date and sign the civil cover sheet in the space labeled “signature of attorney of record.”

Fees

The \$350 filing fee for a civil case has already been mentioned. Once a case has been filed, there are no additional fees for filing a document in that case. However, there are a

series of other fees listed below that may affect the pro se litigant. Most of these fees are set by the Judicial Conference of the United States.

These fees may be paid by mail or in person at the Clerk's Office cashier's window, located in the northeast corner of the 20th Floor of the Dirksen Federal Courthouse. Payment may be made in cash, by check, or by credit card (only Visa, Mastercard, and American Express are accepted). If you pay by check, your check should be made out to "Clerk, U.S. District Court." Your name, address, and phone number must appear on the front of your check.

Filing Fees

Civil Case Filing Fee	\$350.00
Habeas Corpus Filing Fee	\$5.00
Foreign Deposition Filing Fee	\$39.00
Registration of a Foreign Judgment	\$39.00
Letters Rogatory or Letters of Request	\$30.00
U.S. Court of Appeals Docketing Fee	\$250.00
U.S. District Court Notice of Appeal	\$5.00
Misdemeanor Appeal (Magistrate Judge to District Judge)	\$32.00

Copy Services

Certification Fee (per document)	\$9.00
Exemplification Fee (per document)	\$18.00
Copy Fee (per page)	0.50
Copy of Magnetic Tape Recordings	\$26.00
Retrieving a Record From Off-Site Storage	\$45.00
Records Search & Certification (per name or item)	\$26.00

Miscellaneous Fees

Printed Copy of the Court's Local Rules	\$10.50
Check Returned for Insufficient Funds	\$45.00

A Few Basic Procedures for Ongoing Civil Cases

Format Requirements

Local Rule 5.2(a) covers the format requirements for documents filed with the Court. A copy of Local Rule 5.2(a) has been included in the Appendix. Basically, the Court requires that the documents you file meet the following requirements:

- the document must be on paper that is 8½ by 11 inches in size, flat and unfolded;
- it must be typed or neatly handwritten;
- it must be bound at the top of the document; and
- it must be signed by you on the final page of the document, including your name, address, and telephone number. The document must bear your *original signature, not a photocopy of your signature.*

If you present a document for filing to the clerk that does not meet the format requirements set out in Local Rule 5.2(a), a deputy clerk may call your attention to the format problems. The clerk will not refuse to file your document on these grounds, but Rule 5.2 allows the judge to have your document stricken. Therefore, you should read Rule 5.2 and comply with the format requirements.

Document Length

The Court's Local Rules do not limit the length of your complaint. However, if you later file a brief in support of one of your own motions or a brief in response to a motion filed by the defendant, you need to be aware that Local Rule 7.1 sets a limit of 15 pages for documents of this type. If you want to file a brief that is longer than 15 pages, you need to have the court's permission to do so. To do this, you need to file a separate motion requesting leave to file a brief in excess of 15 pages.

Filing Copies of Documents

Local Rule 5.2(c) requires you to file an extra copy for the judge of any pleading, motion, or other document you file, with the exception of exhibits or depositions.

Filing Motions

In an ongoing civil case you may need to ask the judge to instruct the defendant to do something connected to your case, or you may need to ask the judge to allow you to do something yourself. Examples would be asking the judge to direct the defendant to give you access to certain records during the discovery phase of your case, or asking the judge to grant you an extension of time to file a document. When you request the court to take a specific action, you do so by filing a motion.

Some of the Court's basic procedural rules for motions are contained in Local Rules 5.3 through 5.4 and Rule 78. Copies of these rules are included in the Appendix.

When you file a motion, you must provide a copy of the motion to the defendant and tell the defendant that you are filing the motion. If the defendant has an attorney, the copy of the motion and the notice can go to the attorney. This is called giving the defendant notice of your motion. You also must file a statement with the Court indicating that you have given the defendant the required notice.

If you do not want to appear personally before the judge concerning your motion, you may simply file an original and one copy of your motion with the clerk. Judges hold court sessions to address motions on different days of the week. If you want to appear before the judge in person to formally present your motion, you need to be aware of the judge's motion call, and select a date for presenting the motion that is consistent with the judge's motion practice. In other words, if the judge hears motions on Tuesday and Thursday, do not plan to appear on a Wednesday to present your motion.

Judges also vary in the number of days of advance notice they require for motions. Many require two days of advance notice. Some require more advance notice.

If you want to appear before the judge in person, the notice you give the defendant must specify the date, time, and courtroom where you will appear before the judge. Information on the number of days of advance notice and the standard motion practices of all judges can be obtained from the Clerk's Office. Check this information *before* you get ready to file your motion.

The Clerk's Office

Mailing Address

The mailing addresses for the two divisions of the Clerk's Office are:

Eastern Division

Clerk's Office, U.S. District Court
219 South Dearborn
Chicago, Illinois 60604

Western Division

Clerk's Office, U.S. District Court
United States Courthouse
211 South Court Street
Rockford, Illinois 61101

Office Hours

The Clerk's Office is open to the public Monday through Friday, 8:30 a.m. through 4:30 p.m., except for legal holidays. The intake desk, cashier's window, and the area used to review case dockets and case files are all located in the northeast corner of the 20th floor of the courthouse in Chicago. In the Rockford courthouse, these areas are all located on the 2nd floor.

Reviewing Dockets

Several computer terminals are located in the public area of the 20th floor that allow the public to review automated dockets for civil and criminal cases. These dockets may also be used to check the Court's party index (a list of all parties in civil cases) and case index (a list of case numbers).

Reviewing Case Files

Case files may be reviewed by completing some files request card and giving the card to the files department desk in the public area of the 20th floor. A deputy clerk will bring you the case file. Case files may not be taken out of the Clerk's Office. If you want to make a copy of a document in the case file, you may use coin-operated photocopiers located in the public area (25¢ per page). The Clerk's Office will provide you with copies of documents for 50¢ per page.

Other Clerk's Office Resources

In addition to the resources already listed, the public area of the Clerk's Office provides the following:

- Blank forms used in civil cases, including all of the forms described in this guide;
- A computerized version of the Court's Local Rules, which is installed on a computer terminal;
- Quick reference pamphlets that provide a directory to the Court and the Clerk's Office; and
- public telephones.

The Court's Web Site

Information about procedures, the local rules, fees, as well as several other subjects covered in this guide may be found on the Court's internet web site. The web site also lists the activity scheduled before each judge for the coming week. The site also has links to several other judicial web sites. If you have access to the internet, the address of the Court's web site is <http://www.ilnd.uscourts.gov>.

Getting Legal Help

The Young Lawyers Section of the Chicago Bar Association and the Chicago Council of Lawyers have each produced legal guides that include lists of organizations and agencies that may be able to help pro se litigants. The Young Lawyers Section of the Chicago Bar Association has prepared a handbook on legal proceedings called “Your Guide to the Law: A Basic Legal Handbook for Chicagoans.” This pamphlet contains a list of agencies and organizations that provide free or low-cost legal services. The Chicago Council of Lawyers and The Fund For Justice have prepared a “Legal Services Directory for Free and Low Cost Legal Services in the Chicago Metropolitan Area.”

The groups listed below are drawn from the CBA and Chicago Council/Fund for Justice material. These groups provide legal services covering a wide variety of topics, including adoption, bankruptcy, criminal matters, divorce and related family matters, employment, immigration, landlord-tenant problems, probate and social security. Some of these services deal with topics that may fall within the jurisdiction of this Court. Since some of the agencies and organizations listed do not handle all types of legal matters, you should call or write the agency for specific information.

Access Living
310 S. Peoria St. Suite 201
Chicago, Illinois 60607
(312) 226-5900
TDD (312) 226-1687
www.state.il.us/dhr/Housenet/disab/access/access.html

AIDS Legal Council of Chicago
188 West Randolph Suite 2400
Chicago, Illinois 60604
(312) 427-8990
www.aidslegal.com

American Jewish Cong. Legal Clinic
22 West Monroe Suite 1900
Chicago, Illinois 60603
(312) 332-7355
www.ajcongress.org/regions/midwest.html

Association House of Chicago

1116 North Kedzie Ave.
Chicago, Illinois 60605
(773) 772-7170
www.associationhouse.org

Cabrini-Green Legal Aid Clinic
206 W. Division St.
Chicago, Illinois 60610
(312) 266-1345
www.cgla.net

Chicago Coalition for the Homeless
Law Project
1325 S. Wabash Ave. Suite 205
Chicago, Illinois 60605
(312) 435-4548
www.chicagohomeless.org

Chicago Legal Advocacy for
Incarcerated Mothers

200 South State St. Suite 830
Chicago, Illinois 60604
(312) 332-5537
www.c-l-a-i-m.org

Chicago Legal Clinic
www.clclaw.org

- 1) Downtown Office
205 West Monroe 4th Floor
Chicago, Illinois 60606
- 2) South Office
2938 E. 91st St
Chicago, Illinois 60617
(773) 731-1762
- 3) Austin Office
118 N. Central Ave.
Chicago, Illinois 60644
(773) 854-1610
- 4) Pilsen Office
1914 S. Ashland Ave.
Chicago, Illinois 60608
(773) 226-2669

Chicago Volunteer Legal Services
Foundation (CVLS)
100 N. LaSalle, Suite 900
Chicago, Illinois 60602
(312) 332-1624
(NOTE: CVLS has many legal clinics
throughout Chicago. Call for specific
locations.)
www.cvls.org

Community Economic Development Law
Project
188 West Randolph Suite 2103

Chicago, Illinois 60601
(312) 939-3638

DePaul Legal Clinic
23 E. Jackson Blvd. Room 950
Chicago, Illinois 60604
(312) 341-8294

Equipped for Equality, Inc.,
20 North Michigan Ave. Suite 300
Chicago, Illinois 60602
(312) 341-0022 or (800) 537-2632
www.equipforequality.org

Heartland Alliance
208 S. LaSalle St. Suite 1818
Chicago, Illinois 60604
(312) 660-1300
www.heartland-alliance.org

Kent College of Law
Clinic: Advice Desk
565 W. Adams St. Suite 600
Chicago, Illinois 60661
(312) 906-5000
www.kentlaw.edu/academics/clinic/advice/edesk.html

John Marshal Law School
Fair Housing Legal Clinic
28 East Jackson Blvd. Suite 500
Chicago, Illinois 60604
(312) 786-2267
www.jmls.edu

Land of Lincoln Legal Services
Foundation
413 E. Broadway
Alton, Illinois 62002

(877) 342-7891

Lawyers' Committee
For Better Housing
220 South State St. Suite 1700
Chicago, Illinois 60604
(312) 347-7600
www.lcbh.org

Lawyers for the Creative Arts
213 W. Institute Place Suite 401
Chicago, Illinois 60610
(312) 649-4111
www.law-arts.org

Leadership Council for
Metropolitan Open Communities
111 West Jackson 12th Floor
Chicago, Illinois 60604
(312) 341-5678
www.lcmoc.org

Legal Aid Bureau of
Metropolitan Family Services
14 E. Jackson Blvd. 15th Floor
Chicago, Illinois 60604
(312) 986-4015
www.metrofamily.org/services/lab.asp

Legal Assistance
Foundation of Chicago
General Intake Office
111 West Jackson
Chicago, Illinois 60604

(312) 341-1070
TDD (312) 431-1206
www.lafchicago.org

Life Span Center for Legal Services
20 E. Jackson Blvd. Suite 500
Chicago, Illinois 60604
(312) 408-1210

Loyola University Community
Law Center
One E. Pearson Suite 202
Chicago, Illinois 60610
(312) 915-7120
www.luc.edu/schools/law/academics/special/clinic/community.shtml

Mandel Legal Aid Clinic
University of Chicago Law School
6020 South University Ave.
Chicago, Illinois 60637
(773) 702-9611
www.lawuchicago.edu/mandel

Mexican American Legal Defense and
Educational Fund
188 West Randolph #1405
Chicago, Illinois 60601
(312) 782-1422
www.maldef.org

Northwestern University
Legal Assistance Clinic
357 E. Chicago Ave. Room 375
Chicago, Illinois 60611
(312) 503-8576

TDD (312) 503-4472
www.law.northwestern.edu/depts/clinic/geninfo.html

Prairie State Legal Services, Inc.
975 North Main St.
Rockford, Illinois 61103
(815) 965-2134
TDD (815) 965-5114
www.pslegal.org

Pro Bono Advocates
28 North Clark St. Suite 630
Chicago, Illinois 60602
(312) 827-2420
www.probonoadvocates.org

Uptown People's Law Center
4404 North Broadway St.
Chicago, Illinois 60640
(773) 769-1411

World Relief
3507 W. Lawrence Ave. Suite 208
Chicago, Illinois 60625
(773) 583-9191

Referral Services

(The following organizations will refer you to an attorney if you can afford to pay for legal services)

American Civil Liberties Union
20 E. Jackson Blvd. 16th Floor
Chicago, Illinois 60604
(312) 427-7330

Chicago Bar Association
Lawyer Referral Service
321 S. Plymouth Court
Chicago, Illinois 60604
(312) 554-2001

Chicago Council of Lawyers
220 S. State St.
Chicago, Illinois 60604
(312) 427-0710

Cook County Bar Association
175 W. Jackson Blvd.
Chicago, Illinois 60604
(312) 341-0053

Hispanic Lawyers Association
8 S. Michigan Ave. Room 720
Chicago, Illinois 60603
(312) 782-6066

IIT-Chicago-Kent College of Law
Law Offices
565 West Adams, Ste. 600
Chicago, Illinois 60661
(312) 906-5050

Lesbian & Gay Bar Association

of Chicago
3225 N. Sheffield Ave.
Chicago, Illinois 60657
(312) 334-1637

Mujeres Latinas in Action
1823 W. 17th St.
Chicago, Illinois 60605
(312) 226-1544

North Suburban Bar Association
1441 Shermer Road Suite 110
Northbrook, Illinois 60062
(847) 564-4800

Northwest Suburban Bar Association
1350 W. Northwest Highway
Mount Prospect, Illinois 60056
(847) 253-2562

South Suburban Bar Association
Lawyer Referral Service
3612 W. 21st St. Suite 16
Olympia Fields, Illinois 60461
(708) 957-6260

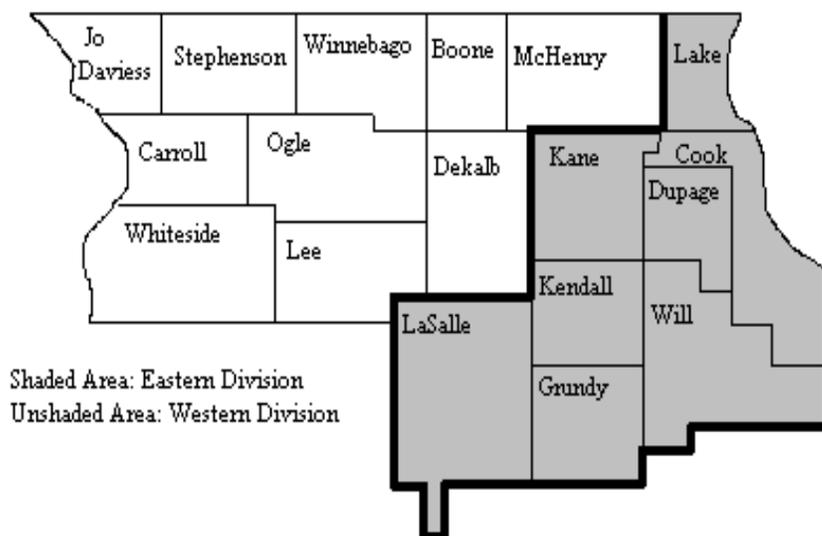
West Suburban Bar Association
320 Circle Avenue
Forest Park, Illinois 60130
(708) 366-1122

Women's Bar Association of
Illinois Referral Service
20 N. Clark Suite 1725
Chicago, Illinois 60602
(312) 346-9224

APPENDIX: SAMPLES OF FORMS AND LOCAL RULES

- **MAP OF THE NORTHERN DISTRICT OF ILLINOIS**
- **APPEARANCE FORM**
- **CIVIL COVER SHEET**
- **SUMMONS**
- **NOTICE OF LAWSUIT AND WAIVER OF SERVICE**
- **WAIVER OF SERVICE**
- **MOTION FOR APPOINTMENT OF COUNSEL**
- **IN FORMA PAUPERIS PETITION**
- **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
- **LOCAL RULES 5.2 - 5.4**
- **LOCAL RULE 78**
- **RULE 4 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

THE NORTHERN DISTRICT OF ILLINOIS



**APPEARANCE FORM FOR PRO SE LITIGANTS
DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS**

Information entered on this form is required for any person filing a case in this court as a pro se party (that is, without an attorney).

NAME: _____
(Please print)

STREET ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE NUMBER: _____

CASE NUMBER: _____

Signature

Date

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>● (a) PLAINTIFFS</p> <p>(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) _____</p>	<p>DEFENDANTS</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.</p> <p>Attorneys (If Known) _____</p>
---	--

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;">Incorporated <i>or</i> Principal Place of Business In This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td></td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated <i>or</i> Principal Place of Business In This State	PTF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF	Incorporated <i>or</i> Principal Place of Business In This State	PTF	DEF																				
	<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 10 Insurance <input type="checkbox"/> 20 Marine <input type="checkbox"/> 30 Miller Act <input type="checkbox"/> 40 Negotiable Instrument <input type="checkbox"/> 50 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 51 Medicare Act <input type="checkbox"/> 52 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 53 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 60 Stockholders' Suits <input type="checkbox"/> 90 Other Contract <input type="checkbox"/> 95 Contract Product Liability <input type="checkbox"/> 96 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <p>PERSONAL INJURY</p> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p style="text-align: center;">PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p style="text-align: center;">LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <p style="text-align: center;">SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p style="text-align: center;">FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 10 Land Condemnation <input type="checkbox"/> 20 Foreclosure <input type="checkbox"/> 30 Rent Lease & Ejectment <input type="checkbox"/> 40 Torts to Land <input type="checkbox"/> 45 Tort Product Liability <input type="checkbox"/> 90 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <p>Habeas Corpus:</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)

Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) _____ 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): _____

Brief description of cause: _____

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.**

Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

ASSIGNED JUDGE:

DESIGNATED
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MICHAEL W. DOBBINS, CLERK

(By) DEPUTY CLERK

DATE

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (<i>PRINT</i>)	TITLE

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served: _____

- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- Returned unexecuted: _____

- Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____ Date _____ *Signature of Server* _____

_____ *Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

United States District Court, Northern District of Illinois

**Notice of Lawsuit and Request for
Waiver of Service of Summons**

TO: _____
(Name of Defendant or agent or officer of corporate defendant)

as _____ of _____
(Title, or other relationship of individual to corporate defendant) (Name of Corporate defendant, if any)

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the Northern

District of Illinois. This lawsuit has been assigned case number _____.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within

_____ days after the date designated below as the date on which this Notice and Request is sent

[NOTE: the addressee must be given at least 30 days (60 days if located in a foreign country) in which to return the waiver]. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this

_____ day of _____, 2____.

(Signature of Plaintiff's Attorney or Unrepresented Plaintiff)

United States District Court, Northern District of Illinois

Waiver of Service of Summons

TO: _____
(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

I, _____
(Name of Defendant)

acknowledge receipt of your request that I waive the service of summons in the action of

_____, which is case number _____
(Caption of Action) (Docket Number)

in the United States District Court for the Northern District of Illinois.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of a service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided for by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after _____,
(Date)

or within 90 days after that date if the request was sent outside the United States.

(Date) (Signature)

Printed/Typed Name:

As _____ of _____
(Title) (Corporate Defendant)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

As indicated in paragraph three on the opposite page, I am currently, or previously have been, represented by an attorney appointed by this Court in the civil or criminal actions listed below.

Assigned Judge: _____	Case Number: _____
Case Title: _____	
Appointed Attorney's Name: _____	
If this case is still pending, please check box <input type="checkbox"/>	

Assigned Judge: _____	Case Number: _____
Case Title: _____	
Appointed Attorney's Name: _____	
If this case is still pending, please check box <input type="checkbox"/>	

Assigned Judge: _____	Case Number: _____
Case Title: _____	
Appointed Attorney's Name: _____	
If this case is still pending, please check box <input type="checkbox"/>	

Assigned Judge: _____	Case Number: _____
Case Title: _____	
Appointed Attorney's Name: _____	
If this case is still pending, please check box <input type="checkbox"/>	

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

IN FORMA PAUPERIS APPLICATION
AND
FINANCIAL AFFIDAVIT

Plaintiff

v.

CASE NUMBER _____

Defendant(s)

JUDGE _____

Wherever is included, please place an X into whichever box applies. Wherever the answer to any question requires more information than the space that is provided, attach one or more pages that refer to each such question number and provide the additional information. Please PRINT:

I, _____, declare that I am the plaintiff petitioner movant (other _____) in the above-entitled case. This affidavit constitutes my application to proceed without full prepayment of fees, or in support of my motion for appointment of counsel, or both. I also declare that I am unable to pay the costs of these proceedings, and that I am entitled to the relief sought in the complaint/petition/motion/appeal. In support of this petition/application/motion/appeal, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "No," go to Question 2)
I.D. # _____ Name of prison or jail: _____
Do you receive any payment from the institution? Yes No Monthly amount: _____

2. Are you currently employed? Yes No
Monthly salary or wages: _____
Name and address of employer: _____

a. If the answer is "No":
Date of last employment: _____
Monthly salary or wages: _____
Name and address of last employer: _____

b. Are you married? Yes No
Spouse's monthly salary or wages: _____
Name and address of employer: _____

3. Apart from your income stated above in response to Question 2, in the past twelve months have you or anyone else living at the same address received more than \$200 from any of the following sources? Mark an X in either "Yes" or "No", and then check all boxes that apply in each category.

a. Salary or wages Yes No
Amount _____ Received by _____

b. Business, profession or other self-employment Yes No

Amount _____ Received by _____

c. Rent payments, interest or dividends Yes No
Amount _____ Received by _____

d. Pensions, social security, annuities, life insurance, disability, workers' compensation, unemployment, welfare, alimony or maintenance or child support Yes No
Amount _____ Received by _____

e. Gifts or inheritances Yes No
Amount _____ Received by _____

f. Any other sources (state source: _____) Yes No
Amount _____ Received by _____

4. Do you or anyone else living at the same address have more than \$200 in cash or checking or savings accounts? Yes No Total amount: _____
In whose name held: _____ Relationship to you: _____

5. Do you or anyone else living at the same address own any stocks, bonds, securities or other financial instruments? Yes No
Property: _____ Current Value: _____
In whose name held: _____ Relationship to you: _____

6. Do you or anyone else living at the same address own any real estate (houses, apartments, condominiums, cooperatives, two-flats, three-flats, etc.)? Yes No
Address of property: _____
Type of property: _____ Current value: _____
In whose name held: _____ Relationship to you: _____
Amount of monthly mortgage or loan payments: _____
Name of person making payments: _____

7. Do you or anyone else living at the same address own any automobiles, boats, trailers, mobile homes or other items of personal property with a current market value of more than \$1000? Yes No
Property: _____
Current value: _____
In whose name held: _____ Relationship to you: _____

8. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute monthly to their support. If none, check here No dependents

I declare under penalty of perjury that the above information is true and correct. I understand that pursuant to 28 U.S.C. § 1915(e)(2)(A), the court shall dismiss this case at any time if the court determines that my allegation of poverty is untrue.

Date: _____

Signature of Applicant

(Print Name)

NOTICE TO PRISONERS: A prisoner must also attach a statement certified by the appropriate institutional officer or officers showing all receipts, expenditures and balances during the last six months in the prisoner's prison or jail trust fund accounts. Because the law requires information as to such accounts covering a full six months before you have filed your lawsuit, you must attach a sheet covering transactions in your own account--prepared by each institution where you have been in custody during that six-month period--and you must also have the Certificate below completed by an authorized officer at each institution.

**CERTIFICATE
(Incarcerated applicants only)
(To be completed by the institution of incarceration)**

I certify that the applicant named herein, _____, I.D.# _____, has the sum of \$ _____ on account to his/her credit at (name of institution)_____. I further certify that the applicant has the following securities to his/her credit:_____. I further certify that during the past six months the applicant's average monthly deposit was \$_____.
(Add all deposits from all sources and then divide by number of months).

DATE

SIGNATURE OF AUTHORIZED OFFICER

(Print name)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
DIVISION

(Name of the plaintiff or plaintiffs)
V.

(Name of the defendant or defendants)

CIVIL ACTION

NO. _____
(Case number will be supplied by the
assignment clerk)

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is _____ of
the county of _____ in the state of _____.
3. The defendant is _____, who
resides at (street address) _____
(city) _____ (county) _____ (state) _____ (ZIP) _____
(Defendant's telephone number) (____) – _____

4) The plaintiff sought employment or was employed by the defendant at
(street address) _____

(city)_____ (county)_____ (state)_____ (ZIP code)_____

5. The plaintiff [check one box]

- (a) was denied employment by the defendant.
(b) was hired and is still employed by the defendant.
(c) was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,
(month)_____, (day)_____, (year)_____.

7. (a) The plaintiff [check one box] *has not* filed a charge or charges against the defendant
 has
asserting the acts of discrimination indicated in this complaint with any of the following government
agencies:

- (i) the United States Equal Employment Opportunity Commission on or about
(month)_____ (day)_____ (year)_____.
(ii) the Illinois Department of Human Rights on or about
(month)_____ (day)_____ (year)_____.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is
attached. YES NO

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of
Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to
believe that this policy was not followed in this case.

8. (a) the United States Equal Employment Opportunity Commission has not issued a *Notice
of Right to Sue*.
(b) the United States Equal Employment Opportunity Commission has issued a *Notice of
Right to Sue*, which was received by the plaintiff on (month)_____
(day)_____ (year)_____ a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check all that apply]

- (a) Age (Age Discrimination Employment Act).
- (b) Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) Disability (Americans with Disabilities Act)
- (d) National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) Religion (Title VII of the Civil Rights Act of 1964)
- (g) Sex (Title VII of the Civil Rights Act of 1964)

10. The plaintiff is suing the defendant, a state or local government agency, for discrimination on the basis of race, color, or national origin (42 U.S.C. §1983).

YES NO

11. Jurisdiction over the statutory violation alleged is conferred as follows: over Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); over 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; over the A.D.E.A. by 42 U.S.C. §12117.

12. The defendant [check all that apply]

- (a) failed to hire the plaintiff.
- (b) terminated the plaintiff's employment.
- (c) failed to promote the plaintiff.
- (d) failed to reasonably accommodate the plaintiff's religion.
- (e) failed to reasonably accommodate the plaintiff's disabilities.
- (f) other (specify): _____

13. The facts supporting the plaintiff's claim of discrimination are as follows:

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. YES NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check all that apply]

- (a) Direct the defendant to hire the plaintiff.
- (b) Direct the defendant to re-employ the plaintiff.
- (c) Direct the defendant to promote the plaintiff.
- (d) Find that the defendant failed to reasonably accommodate the plaintiff's religion.
- (e) Find that the defendant failed to reasonably accommodate the plaintiff's disabilities.
- (f) Direct the defendant to (specify): _____

- (g) If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) Grant such other relief as the Court may find appropriate.

(Plaintiff's signature) _____

(Plaintiff's name) _____

(Plaintiff's street address) _____

(City) _____ (State) _____ (ZIP) _____

(Plaintiff's telephone number) (____) – _____

LOCAL RULES 5.2 — 5.4

LR5.2. Form of Documents Filed

(a) ELECTRONIC FILING PERMITTED. The court will accept for filing documents submitted, signed, or verified by electronic means that comply with procedures established by the court as set forth in the General Order on Electronic Case Filing or other similar order.

Where a document is submitted in an electronic format pursuant to procedures established by the court, submitted in both electronic and paper formats, or submitted in paper and subsequently produced in an electronic format by Court staff, the electronic version shall be the court's official record. Where a document is submitted in paper format without an electronic version being produced, the paper version shall be the court's official record. Where the electronic version of a document is a redacted version of an unredacted paper document, the unredacted paper version shall be the court's official record.

(b) PAPER AND FONT SIZE. Each paper original filed and each paper judge's copy shall be flat and unfolded on opaque, unglazed, white paper 8½ x 11 inches in size. It shall be plainly written, typed, printed, or prepared by means of a duplicating process, without erasures or interlineations which materially deface it.

Where the document is typed, line spacing will be at least 1½ lines. Where it is typed or printed,

(1) the size of the type in the body of the text shall be 12 points and that in

footnotes, no less than 11 points, and

(2) the margins, left-hand, right-hand, top, and bottom, shall each be a minimum of 1 inch.

(c) BINDING AND TABS. Each paper original shall be bound or secured at the top edge of the document by a staple or a removable metal paper fastener inserted through two holes. A paper original shall not have a front or back cover. A paper original shall not have protruding tabs. Exhibits or tabs that are part of the paper original shall be indicated in bold type on a single sheet of paper placed immediately before the corresponding exhibit or attachment. Unless not reasonably feasible, exhibits to paper originals shall be 8½ x 11 inches in size. A paper judge's copy may be bound on the side or the top and may include protruding tabs or exhibits. It is strongly encouraged, but not required, that exhibits to a paper judge's copy be tabbed and a list of exhibits be provided at the beginning of each volume of exhibits.

(d) DOCUMENTS NOT COMPLYING MAY BE STRICKEN. Any document that does not comply with this rule shall be filed subject to being stricken by the court.

(e) JUDGE'S COPY. Each person or party filing a paper version of a pleading, motion, or document, other than an appearance form or return of service, shall file in addition to the original a copy for use by the court. Where a filing is made electronically of a pleading, motion, or document other than an appearance form or return of service, a paper copy shall be provided for the judge within one business day, unless the judge determines that a paper copy is not required. [NOTE: Rule 5.2 was amended by General Order of December 20, 2004]

LR5.3. Notice of Motions and Objections

(a) SERVICE. Except in the case of an emergency or unless otherwise ordered, written notice of the intent to present a motion, or an objection to a magistrate judge's order or report under F. R.Civ.P. 72, specifying the date on which the motion or objection is to be presented, a copy of the motion or objection and any accompanying documents must be served as follows:

(1) *Personal service.* Personal service must be accomplished no later than 4:00 p.m. of the second business day preceding the date of presentment. Personal service shall include actual delivery within the time specified by this section by a service organization providing for delivery

within a specified time (e.g., overnight service) or by electronic transmission pursuant to F.R.Civ.P. 5(b)(2)(D) and 5(b)(3).

(2) *Mail service.* Where the service is by mail, the notice and documents shall be mailed at least five business days before the date of presentment.

Ex parte motions and agreed motions or objections may be presented without notice.

(b) PRESENTMENT. Every motion or objection shall be accompanied by a notice of presentment specifying the date and time on which, and judge before whom, the motion or objection is to be presented. The date of presentment shall be not more than 10 business days following the date on which the motion or objection is delivered to the court pursuant to LR78.1.

[NOTE: Rule 5.3 was amended by General Order of October 2, 2002 and by General Order of March 27, 2003]

LR5.4. Motions: Filing Notice & Motion

Filing of papers shall be with the clerk unless a particular judge has provided for filing in the judge's chambers. The clerk shall maintain a list of the delivery requirements of each judge and post a copy in a public area of the clerk's office.

Where a motion is delivered to the clerk that does not comply with the scheduling requirements established by the judge pursuant to LR78.1 or is scheduled before a judge who, pursuant to this rule, has directed that the motions are to be delivered to the minute clerk assigned to the judge or to the judge's chambers, the clerk shall inform the person offering the motion of the correct procedure. If the person insists on delivering it to the clerk, the clerk shall accept it and attach to it a note indicating that the person delivering it was advised of the scheduling or delivery requirements.

LR78.1. Motions: Filing in Advance of Hearing

Except where a judge fixes a different time in accordance with this rule, the original of any motion shall be filed by 4:30 p.m. of the *second* business day preceding the date of presentment.

A judge may fix a time for delivery longer than that provided by this rule, or elect to hear motions less frequently than daily, or both. In those instances where a judge elects to fix a longer delivery time, or hear motions less frequently than daily, or both, the judge shall notify the clerk in writing of the practice to be adopted. The clerk shall maintain a list of the current motion practices of each of the judges at the assignment desk. (Amended 10/13/04)

LR78.2. Motions: Denial for Failure to Prosecute

Where the moving party, or if the party is represented by counsel, counsel for the moving party, delivers a motion without the notice required by LR5.3(b) and fails to serve notice of a date of presentment within 10 days of delivering the copy of the motion to the court as provided by LR5.4, the court may on its own initiative deny the motion.

LR78.3. Motions: Briefing Schedules; Oral Arguments; Failure to File Brief

The court may set a briefing schedule. Oral argument may be allowed in the court's discretion. Failure to file a supporting or answering memorandum shall not be deemed to be a waiver of the motion or a withdrawal of opposition thereto, but the court on its own motion or that of a party may strike the motion or grant the same without further hearing. Failure to file a reply memorandum within the requisite time shall be deemed a waiver of the right to file.

LR78.4. Motions: Copies of Evidentiary Matter to be Served

Where evidentiary matter, in addition to affidavits permitted or required under Rules 5 or 6 of the Federal Rules of Civil Procedure, will be submitted in support of a motion, copies thereof shall be served with the notice of motion.

LR78.5. Motions: Request for Decision; Request for Status Report

Any party may on notice provided for by LR5.3 call a motion to the attention of the court for decision.

Any party may also request the clerk to report on the status of any motion on file for at least seven months without a ruling or on file and fully briefed for at least sixty days. Such requests will be in writing. On receipt of a request the clerk will promptly verify that the motion is pending and meets the criteria fixed by this section. If it is not pending or does not meet the criteria, the clerk will so notify the person making the request. If it is pending and does meet the criteria, the clerk will thereupon notify the judge before whom the motion is pending that a request has been received for a status report on the motion. The clerk will not disclose the name of the requesting party to the judge. If the judge provides information on the status of the motion, the clerk will notify all parties. If the judge does not provide any information within ten days of the clerk's notice to the judge, the clerk will notify all parties that the motion is pending and that it has been called to the judge's attention.

RULE 4 OF THE FEDERAL RULES OF CIVIL PROCEDURE

SUMMONS

(a) Form.

The summons shall be signed by the clerk, bear the seal of the court, identify the court and the parties, be directed to the defendant, and state the name and address of the plaintiff's attorney or, if unrepresented, of the plaintiff. It shall also state the time within which the defendant must appear and defend, and notify the defendant that failure to do so will result in a judgment by default against the defendant for the relief demanded in the complaint. The court may allow a summons to be amended.

(b) Issuance.

Upon or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is in proper form, the clerk shall sign, seal, and issue it to the plaintiff for service on the defendant. A summons, or a copy of the summons if addressed to multiple defendants, shall be issued for each defendant to be served.

(c) Service with Complaint; by Whom Made.

(1) A summons shall be served together with a copy of the complaint. The plaintiff is responsible for service of a summons and complaint within the time allowed under subdivision (m) and shall furnish the person effecting service with the necessary copies of the summons and complaint.

(2) Service may be effected by any person who is not a party and who is at least 18 years of age. At the request of the plaintiff, however, the court may direct that service be effected by a United States marshal, deputy United States marshal, or other person or officer specially appointed by the court for that purpose. Such an appointment must be made when the plaintiff is authorized to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 or is authorized to proceed as a seaman under 28 U.S.C. § 1916.

(d) Waiver of Service; Duty to Save Costs of Service; Request to Waive.

(1) A defendant who waives service of a summons does not thereby waive any objection to the venue or to the jurisdiction of the court over the person of the defendant.

(2) An individual, corporation, or association that is subject to service under subdivision (e), (f), or (h) and that receives notice of an action in the manner provided in this paragraph has a duty to avoid unnecessary costs of serving the summons. To avoid costs, the plaintiff may notify such a defendant of the commencement of the action and request that the defendant waive service of a summons. The notice and request

(A) shall be in writing and shall be addressed directly to the defendant, if an individual, or else to an officer or managing or general agent (or other agent authorized by appointment or law to receive service of process) of a defendant subject to service under subdivision (h) ;

(B) shall be dispatched through first-class mail or other reliable means;

(C) shall be accompanied by a copy of the complaint and shall identify the court in which it has been filed;

- (D) shall inform the defendant, by means of a text prescribed in an official form promulgated pursuant to Rule 84 , of the consequences of compliance and of a failure to comply with the request;
- (E) shall set forth the date on which request is sent;
- (F) shall allow the defendant a reasonable time to return the waiver, which shall be at least 30 days from the date on which the request is sent, or 60 days from that date if the defendant is addressed outside any judicial district of the United States; and
- (G) shall provide the defendant with an extra copy of the notice and request, as well as a prepaid means of compliance in writing.

If a defendant located within the United States fails to comply with a request for waiver made by a plaintiff located within the United States, the court shall impose the costs subsequently incurred in effecting service on the defendant unless good cause for the failure be shown.

- (3) A defendant that, before being served with process, timely returns a waiver so requested is not required to serve an answer to the complaint until 60 days after the date on which the request for waiver of service was sent, or 90 days after that date if the defendant was addressed outside any judicial district of the United States.
- (4) When the plaintiff files a waiver of service with the court, the action shall proceed, except as provided in paragraph (3), as if a summons and complaint had been served at the time of filing the waiver, and no proof of service shall be required.
- (5) The costs to be imposed on a defendant under paragraph (2) for failure to comply with a request to waive service of a summons shall include the costs subsequently incurred in effecting service under subdivision (e), (f), or (h), together with the costs, including a reasonable attorney's fee, of any motion required to collect the costs of service.

(e) Service Upon Individuals Within a Judicial District of the United States.

Unless otherwise provided by federal law, service upon an individual from whom a waiver has not been obtained and filed, other than an infant or an incompetent person, may be effected in any judicial district of the United States:

- (1) pursuant to the law of the state in which the district court is located, or in which service is effected, for the service of a summons upon the defendant in an action brought in the courts of general jurisdiction of the State; or
- (2) by delivering a copy of the summons and of the complaint to the individual personally or by leaving copies thereof at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by delivering a copy of the summons and of the complaint to an agent authorized by appointment or by law to receive service of process.

(f) Service Upon Individuals in a Foreign Country.

Unless otherwise provided by federal law, service upon an individual from whom a waiver has not been obtained and filed, other than an infant or an incompetent person, may be effected in a place not within any judicial district of the United States:

- (1) by any internationally agreed means reasonably calculated to give notice, such as those means authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents; or
- (2) if there is no internationally agreed means of service or the applicable international agreement allows other means of service, provided that service is reasonably calculated to give notice:
 - (A) in the manner prescribed by the law of the foreign country for service in that country in an action in any of its courts of general jurisdiction; or
 - (B) as directed by the foreign authority in response to a letter rogatory or letter of request; or
 - (C) unless prohibited by the law of the foreign country, by
 - (i) delivery to the individual personally of a copy of the summons and the complaint; or
 - (ii) any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the party to be served; or
- (3) by other means not prohibited by international agreement as may be directed by the court.

(g) Service Upon Infants and Incompetent Person.

Service upon an infant or an incompetent person in a judicial district of the United States shall be effected in the manner prescribed by the law of the state in which the service is made for the service of summons or like process upon any such defendant in an action brought in the courts of general jurisdiction of that state. Service upon an infant or an incompetent person in a place not within any judicial district of the United States shall be effected in the manner prescribed by paragraph (2)(A) or (2)(B) of subdivision (f) or by such means as the court may direct.

(h) Service Upon Corporations and Associations.

Unless otherwise provided by federal law, service upon a domestic or foreign corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, and from which a waiver of service has not been obtained and filed, shall be effected:

- (1) in a judicial district of the United States in the manner prescribed for individuals by subdivision (e)(1), or by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant, or
- (2) in a place not within any judicial district of the United States in any manner prescribed for individuals by subdivision (f) except personal delivery as provided in paragraph (2)(C)(i) thereof.

(i) Service Upon the United States, and its Agencies, Corporations, or Officers.

- (1) Service upon the United States shall be effected

- (A) by delivering a copy of the summons and of the complaint to the United States attorney for the district in which the action is brought or to an assistant United States attorney or clerical employee designated by the United States attorney in a writing filed with the clerk of the court or by sending a copy of the summons and of the complaint by registered or certified mail addressed to the civil process clerk at the office of the United States attorney and
- (B) by also sending a copy of the summons and of the complaint by registered or certified mail to the Attorney General of the United States at Washington, District of Columbia, and
- (C) in any action attacking the validity of an order of an officer or agency of the United States not made a party, by also sending a copy of the summons and of the complaint by registered or certified mail to the officer or agency.
- (2) (A) Service on an agency or corporation of the United States, or an officer or employee of the United States sued only in an official capacity, is effected by serving the United States in the manner prescribed by Rule 4(i)(1) and by also sending a copy of the summons and complaint by registered or certified mail to the officer, employee, agency, or corporation.
- (B) Service on an officer or employee of the United States sued in an individual capacity for acts or omissions occurring in connection with the performance of duties on behalf of the United States - whether or not the officer or employee is sued also in an official capacity - is effected by serving the United States in the manner prescribed by Rule 4(i)(1) and by serving the officer or employee in the manner prescribed by Rule 4 (e), (f), or (g). [Note: Rule 4(i)2 was amended effective 12/01/00]
- (3) The court shall allow a reasonable time to serve process under Rule 4(i) for the purpose of curing the failure to serve:
- (A) all persons required to be served in an action governed by Rule 4(i)(2)(A), if the plaintiff has served either the United States attorney or the Attorney General of the United States, or
- (B) the United States in an action governed by Rule 4(i)(2)(B), if the plaintiff has served an officer or employee of the United States sued in an individual capacity. [Note: Rule 4(i)3 was amended effective 12/01/00]

(j) Service Upon Foreign, State, or Local Governments.

- (1) Service upon a foreign state or a political subdivision, agency, or instrumentality thereof shall be effected pursuant to 28 U.S.C. § 1608.
- (2) Service upon a state, municipal corporation, or other governmental organization subject to suit, shall be effected by delivering a copy of the summons and of the complaint to its chief executive officer or by serving the summons and complaint in the manner prescribed

by the law of that state for the service of summons or other like process upon any such defendant.

(k) Territorial Limits of Effective Service.

(1) Service of a summons or filing a waiver of service is effective to establish jurisdiction over the person of a defendant

(A) who could be subjected to the jurisdiction of a court of general jurisdiction in the state in which the district court is located, or

(B) who is a party joined under Rule 14 or Rule 19 and is served at a place within a judicial district of the United States and not more than 100 miles from the place from which the summons issues, or

(C) who is subject to the federal interpleader jurisdiction under 28 U.S.C. § 1335, or

(D) when authorized by a statute of the United States.

(2) If the exercise of jurisdiction is consistent with the Constitution and laws of the United States, serving a summons or filing a waiver of service is also effective, with respect to claims arising under federal law, to establish personal jurisdiction over the person of any defendant who is not subject to the jurisdiction of the courts of general jurisdiction of any state.

(l) Proof of Service.

If service is not waived, the person effecting service shall make proof thereof to the court. If service is made by a person other than a United States marshal or deputy United States marshal, the person shall make affidavit thereof. Proof of service in a place not within any judicial district of the United States shall, if effected under paragraph (1) of subdivision (f), be made pursuant to the applicable treaty or convention, and shall, if effected under paragraph (2) or (3) thereof, include a receipt signed by the addressee or other evidence of delivery to the addressee satisfactory to the court.

Failure to make proof of service does not affect the validity of the service. The court may allow proof of service to be amended.

(m) Time Limit for Service.

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision does not apply to service in a foreign country pursuant to subdivision (f) or (j)(1).

(n) Seizure of Property; Service of Summons not Feasible.

(1) If a statute of the United States so provides, the court may assert jurisdiction over property. Notice to claimants of the property shall then be sent in the manner provided by the statute or by service of a summons under this rule.

(2) Upon a showing that personal jurisdiction over a defendant cannot, in the district where the action is brought, be obtained with reasonable efforts by service of summons in any manner

authorized by this rule, the court may assert jurisdiction over any of the defendant's assets found within the district by seizing the assets under the circumstances and in the manner provided by the law of the state in which the district court is located.

Summary of Instructions for Filing a Civil Case

Document	General Information	Number of Copies Required
<p>Complaint</p>	<p>List all plaintiffs and defendants in the caption the top left of the complaint. State your case in your own words, using additional pages if you need them. Your signature, address, and telephone number must appear on the last page of your complaint. Exhibits may be attached to your complaint.</p>	<p>You must provide an original, 1 copy for the assigned judge, and 1 copy for <i>each</i> defendant named in your complaint. If you are suing the federal government or one of its agencies, you need to provide 3 extra copies.</p>
<p>Civil Cover Sheet (JS-44)</p> <p>This is a form used by the Court in preparing the docket for your case.</p>	<p>Instructions for completing this form appear on the reverse side of the JS-44.</p>	<p>Only the original is required.</p>
<p>Appearance</p> <p>The appearance form is used to designate who will be acting as the attorney for a party.</p>	<p>If you do not have an attorney and will be proceeding without counsel, fill in the appearance form in accordance with the instructions found on the reverse side of the form, supplying your name and address. Add the words “pro se” next to your name.</p>	<p>Only the original is required.</p>
<p>Filing fees</p>	<p>There is a fee of \$350 for the filing of a civil case other than a writ of habeas corpus. If you are unable to afford the fee, see the information below about in forma pauperis petitions.</p>	<p>NA</p>
<p>In Forma Pauperis Petition</p> <p>This petition is used by a plaintiff who requests approval by the court for a civil case to proceed without the prepayment of the filing fee.</p>	<p>Complete all appropriate sections of the petition, sign and date.</p>	<p>You must provide an original and 1 copy for the assigned judge.</p>
<p>Motion for Appointment of Counsel</p> <p>This motion is a request that the court appoint an attorney.</p>	<p>Complete the motion form in accordance with the instructions attached to the form.</p>	<p>You must provide an original and 1 copy for the assigned judge.</p>
<p>Summons</p>	<p>Complete the original and one copy for service to each defendant. Your own name and address should appear under the heading labeled “Plaintiff’s Attorney.”</p>	<p>You must provide an original and 1 copy for <i>each</i> defendant named in your complaint. If you are suing the federal government or one of its agencies, you need to provide 3 extra copies.</p>