

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON

FILING YOUR LAWSUIT IN FEDERAL COURT



A Pro Se Guide

Revised 4/5/2012

***Disclaimer:** This manual is intended to assist an individual wishing to file a civil action without an attorney (Pro Se) in the United States District Court, Western District of Washington. This manual is provided for informational purposes only and does not constitute legal advice. The Federal Rules of Civil Procedure (FRCP) and this Court's Local Rules and Electronic Filing Procedures control how civil cases must be filed and processed.*

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Part One

Before You File Your Case

Consider ways to resolve your dispute/problem outside court

Are you having a disagreement with another person, business or government agency? Are you thinking about going to court to ask a judge to resolve a disagreement or solve a problem for you? The federal court is one type of court that can help people resolve disputes. When two or more people (or a person and a business or government agency) have a disagreement and want a judge to listen to the facts, we call this a “case” or a “lawsuit.” Before you decide to file a case in federal court, you may want to consider other ways to solve your dispute or problem. Here are a few suggestions:

- **Try talking to the person, business or government agency that you feel has done something wrong or try sending a letter asking the person, business or government agency to fix the problem.** Many government agencies have requirements or special rules you must follow before filing a “case” in court.
- **Seek help from other sources.** There are many different agencies that may be able to provide help.
- **Contact an attorney.** An attorney will be able to help you make sure that federal court is the right place to solve your problem. An attorney will also be able to provide you with more information about resources that may help you. You have the right to file a case without an attorney's help. This is known as “representing yourself” or “**proceeding pro se.**” If you are representing yourself, the judge will still expect you to state your complaints clearly, to meet all your deadlines and follow the rules. An attorney can help explain these rules.

If you can afford to hire your own attorney, but don't know any, you might consider calling the Washington State Bar Association’s Coordinated Legal Education, Advice, and Referral system (1-888-201-1014, <http://www.wsba.org/atj/contact/legasst.htm>) or your local Bar Association.

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Are you in the right court?

Before you file a case, you need to make sure you are filing your case in the right court. This can be especially important if you are working with a deadline for certain statutes of limitations. Filing in the wrong court might affect whether you meet those deadlines or not.

Here are some questions that you should ask to ensure you are in the right place:

- **Is your case about divorce, child custody, adoption, a will, a name change, or a landlord-tenant dispute?**

If so, you may be in the wrong court. State courts generally hear family law matters and landlord-tenant disputes. You can learn more about Washington State courts at www.courts.wa.gov. If in doubt, contact an attorney for legal advice about your specific situation. The clerk's office cannot make this determination for you.

- **Is your case about a federal law, the denial of Social Security or other federal benefits, or a decision of a federal agency?**

If so, you are probably in the right court.

- **Should you file your case in Seattle or Tacoma?**

The Western District of Washington includes courthouses in Seattle and in Tacoma. If all defendants reside, or if the claim arose, in the counties of Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Kitsap, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum, files your case in Tacoma. Otherwise, file your case in Seattle. See [Local Rules 5\(e\)](#).

Types of cases filed in federal court

Federal courts are courts of limited jurisdiction. There are three types of cases that may be filed in the federal courts:

- 1. Cases where the United States government is a party.**

The federal courts hear lawsuits for benefits from the Social Security Administration or Veterans Administration or cases against a federal agency, such as the United States Postal Service or the Internal Revenue Service.

- 2. Cases brought under federal law.**

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The federal courts hear specific types of cases arising under the U.S. Constitution and federal laws such as damages at sea, federal tax matters, and many other areas. Some federal laws may duplicate state laws, such as in civil rights matters.

3. Cases where the parties reside in different states

Lawsuits between parties residing in different states are called “diversity cases.” For example, if you live in Washington and you file a lawsuit against a defendant who lives in Oregon, then there would be “**diversity.**”

Diversity cases must involve a claim valued in excess of \$75,000.00. If your case does not seek more than that amount and does not involve federal law of a government defendant, you may need to file your claim in state court.

Are your claims timely?

A statute of limitations is the period of time set by law within which a lawsuit must be filed. This period of time ordinarily begins when the injury occurs or a right has been violated. If you fail to bring your claim within the time allowed by statute, your lawsuit may be dismissed.

Other issues to consider

Before you file, please consider:

- [Rule 11 of the Federal Rules of Civil Procedure](#). This rule prohibits the filing of lawsuits that are clearly frivolous or filed just to harass someone. **If the court determines that you have filed a lawsuit for an improper or unnecessary reason, it may impose sanctions against you, including ordering that you pay any legal fees of the party that you sued.**
- **What happens if you lose?** If you lose, the winning party may ask that you be ordered to pay his/her attorneys' fees. The winning party is also entitled to seek certain costs which were incurred during a lawsuit. These costs can include things such as **deposition transcripts, witness fees, copy expenses, etc.** In many cases, these fees may add up to thousands of dollars. It is common for a winning party to seek these costs from the losing party.

If you have decided to proceed with filing a lawsuit, you should review the glossary of some of the more common legal terms related to a lawsuit and complete the Final Checklist located at the end of this packet.

Part Two

Filing Your Case

Before a judge can listen to the facts in any case, you must file your case. Part 2 of the Pro Se Guide will tell you how to file your case in federal court.

Rules that you must follow

Below you will find a list of rules that you should familiarize yourself with before proceeding with filing your case in the federal court. Should you find yourself asking questions about the meaning behind certain rules, please consult an attorney as the clerk's office cannot interpret the rules for you.

- **Federal Rules of Civil Procedure.** These rules govern the filing of a civil lawsuit in federal court, and you should be familiar with them. (A link to the Federal rules can be found here: <http://www.law.cornell.edu/rules/frcp/>)
- **Local Rules for the United States District Court, Western District of Washington.** This is a collection of “local rules” that are written for the practice of law in the Western District of Washington federal court. They are published as additions to the Federal Rules (see above). All district courts have them, and local rules will differ from court to court, so *please remember to refer ONLY to Western Washington local rules*. Both Local Rules and the Federal Rules must be followed. The Local Rules for the Western District of Washington are located on the Court's website. (<http://www.wawd.uscourts.gov/referencematerials/localrules.htm>)
- **The Western District of Washington's Electronic Filing Procedures.** The Court's Electronic Filing Procedures will explain the various options available to you for filing documents with the Court electronically. However, you may also file documents in paper form in the clerk's office by bringing them to the courthouse during normal business hours or by mailing them. (<http://www.wawd.uscourts.gov/electronicfiling/ecfhomepage.htm>)

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Forms you will need to complete

In order to file your case, you will need to complete the following three forms. These forms can be found at the clerk's office and are also available on the Court's website at www.wawd.uscourts.gov.

- [Complaint](#)
- [Civil Cover Sheet](#)
- [Summons](#)

Complaint

To start a lawsuit in federal court, you must file a paper with the Court called a complaint. It is a legal document that tells the judge and defendants how and why you believe the defendants violated the law in a way that injured you and what you want the Court to do about it.

- You may write your own complaint or use a [form available in the clerk's office](#).
- Be sure that all of your documents are typed or legibly printed in pen on 8 ½ x 11 plain white paper. (Please do not use pencil)
- Please do not staple your documents.
- Remember that original documents submitted to the Court **will not be returned to you**.
- If you would like a copy of your complaint file stamped with the case number, please bring an extra copy to the clerk's office. The clerk's office will not make free copies of documents for your personal record.

Below is an example of how the top part of the complaint should look. This is called the **case caption**, and includes the **name of the Court** (United States District Court, Western District of Washington), the **parties**, the **case number** (left blank if you have not been issued a number yet), and the **document title** (ex. Civil Rights Complaint, Motion to Proceed In Forma Pauperis, etc.). You must put a case caption on all of the documents that you file in your case.

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Print Form

Instructions for use:
1. Check the above box "Highlight Fields" to show fields on this form.
2. Complete the form.
3. Print, sign the document, and file with the court..

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

Plaintiff(s)

vs.

Defendant(s),

**CIVIL RIGHTS COMPLAINT UNDER
42 U.S.C. §1983**
(for use only by plaintiffs not in custody)

HINT: Make sure your complaint is clear, understandable, and easy to read (written in print or typed). Be certain the spellings of all defendants' names are correct.

This is the time to present the facts of the case: what happened, where it happened, when it happened, how it happened, and who was involved. You may choose to support your complaint with evidence (for example, many plaintiffs will provide the Right to Sue letter from the Equal Employment Opportunity Commission (EEOC) in discrimination cases). **This is the time for laying out the basic facts of your claim.** NOTE: If your complaint does not include sufficient facts to allow the Court to draw the reasonable inference that the defendant is liable for the misconduct you allege, your complaint may be subject to dismissal.

NOTE: These instructions are only a summary. It is your responsibility to follow the Rules. If in doubt, contact an attorney in your area for assistance.

Civil Cover Sheet

The [civil cover sheet](#) asks information about your case. You can obtain a civil cover sheet from the clerk's office or from the Court's website at www.wawd.uscourts.gov. The civil cover sheet includes eight sections:

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SECTION I

CIVIL COVER SHEET	
<small>JS 44 (Rev. 12/07)</small>	
<small>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.)</small>	
I. (a) PLAINTIFFS	DEFENDANTS
(b) County of Residence of First Listed Plaintiff _____ <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>	County of Residence of First Listed Defendant _____ <small>(IN U.S. PLAINTIFF CASES ONLY)</small>
(c) Attorney's (Firm Name, Address, and Telephone Number)	NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)

- Asks the name of the plaintiff(s) and the defendant(s).
- Asks for the counties where the parties are located. We need to know this in order to help us assign the case to the correct office.
- Asks for the name, address and telephone number of the attorney handling your case. Since you are acting as your own attorney, please use your own contact information.

SECTION II

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

Basis of Jurisdiction tells us which of four types of cases you are filing:

- **Government as the plaintiff** - This one will **not** apply to you. This is only for government use, or
- **Government as the defendant** - Mark this if you are filing a case against a federal agency or the U.S. government, or
- **Federal Question** - Mark this if your case is about a federal law, or
- **Diversity** - Mark this if the defendant lives in another state and is not the federal government and if your case involves a claim valued in excess of \$75,000.00.

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Please mark the one item that best describes why your case is being filed in federal court.

SECTION III

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)					
	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<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

Citizenship of Principal Parties is used **only** if you indicated “diversity” in section II. Diversity refers to cases where the parties involved are from different states. Pick one box that says where the plaintiff (PTF) is located and one box to show where the defendant (DEF) is located.

SECTION IV

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <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	PERSONAL INJURY <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 PERSONAL PROPERTY <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 LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <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 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <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 <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <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	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <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			

Nature of Suit says very generally what your case is about. **Please check one box only.**

SECTION V

V. ORIGIN (Place an "X" in One Box Only)						
<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

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Origin gives 7 options. You will most likely choose option one (1), “Original Proceeding,” meaning that you are filing a new lawsuit. Please contact the clerk’s office if you have any questions.

SECTION VI

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:

Cause of Action asks for a brief statement telling us what your case is about. For example, “I am suing my employer for violating my civil rights for not promoting me.” You do not need to list a civil statute, but it is helpful if you have one identified.

SECTION VII

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ _____	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Requested in Complaint asks that you write the dollar amount you requested in the complaint and check the box to show whether or not you included a demand for a jury trial in your complaint.

SECTION VIII

VIII. RELATED CASE(S) IF ANY	(See instructions):	JUDGE _____	DOCKET NUMBER _____
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Related Case(s) If Any asks if there are any related cases. If you sued the same defendants in this or any other court, write down the name of the judge and the case number. Please date and sign the form where it says, “Signature of Attorney of Record.”

Summons in a Civil Action

The [summons](#) is a document which demands the defendant to respond to the complaint. In the blank space that asks for the name and address of the defendant being served, you can put down the name of the party you are suing and his/her address. The clerk's office cannot issue summonses without this information.

Remember that proof of service must be filed with the clerk’s office. After serving the defendants, the return of service will be entered into the file as proof that the defendant has

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been served in the case. However, if you would like a copy for your records, you will want to submit two copies of each summons: one to serve and one to be kept for your own records (the clerk's office will only certify one summons for each defendant).

In the space that gives the defendants the number of days they have to answer, please consult the Federal Rules of Civil Procedure and this Court's Local Rules for the appropriate timeframe. **Please note the numbers of days to answer the complaint will depend on the type of defendant (local, non-government, federal, etc.), so it is imperative that you verify the correct number of days defendants have to respond according to the rules.** As with anything, if in doubt, contact an attorney for guidance.

HINT: The summons may only be issued to parties that are named as defendants in the complaint.

If you do not wish to have your summons issued at the time of filing, you may fill out a [praecipe](#) requesting the Court to not issue your summons and attach your completed summons. A [praecipe](#) is a document that requests the Court do, or not do, a specific action. Blank praecipe forms can be found on our website. If, at the time of filing, you do not have your summons prepared, you may file them at a later time for issuance.

Other forms included in your packet (you are not required to complete these unless they specifically apply to you):

- [Motion to Proceed In Forma Pauperis](#)
- [Motion for Appointment of Counsel](#)

Motion to Proceed In Forma Pauperis

The fee to file a complaint is \$350.00. There are no other fees involved in the act of filing the case. If you do not have the \$350.00 fee, you may apply to have the fee "waived," which means that you may submit your case without paying the fee. You must fill out the [Motion to Proceed In Forma Pauperis](#) and turn this form in when you are filing your complaint.

It is very important to fill out all parts of this form with as much information as possible since the judge will use this information to determine if you have the financial ability to pay the filing fee. This includes providing information about your spouse. Also, just because you do not have any cash on hand does not mean that you are unable to pay the filing fee. If you have assets, such as equity in your home, own several cars or rental property, or have other sources of income, the Court may find that you do not qualify to have the fee waived.

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The Court will issue an order once a decision has been made on your request to have the fee waived. Your summons will not be issued until after your Motion to Proceed In Forma Pauperis is granted or the filing fee has been paid.

Motion for Appointment of Counsel

If you would like an attorney and cannot afford to hire one, you may request that the Court appoint a lawyer to handle your case at no cost to you.

To ask the Court to appoint a lawyer, please fill out the [Motion for Appointment of Counsel](#) form and the Financial Affidavit. If the Court does grant your Motion for Appointment of Counsel, you may still be responsible for certain expenses and Court costs.

Though this option is available, please note that **there is no right to representation in civil matters and there is no guarantee the judge will appoint counsel in your case.**

The judge bases the decision to appoint an attorney on several factors:

- 1. Do you have the financial ability to hire counsel?** The Court will review your financial records previously filed in the case and any supplemental information provided in the Motion for Appointment of Counsel and Financial Affidavit.
- 2. Have you made reasonable efforts to hire counsel?** You may contact the Washington State Bar Association's Coordinated Legal Education, Advice, and Referral system (1-888-201-1014, <http://www.wsba.org/atj/contact/legasst.htm>) or your local county/metropolitan area legal association. These organizations may be able to tell you which lawyers practice the type of law that you need help with. **In the motion, you will need to list all the attorneys you have contacted.**
- 3. Can you prepare and present your case without the help of counsel?** The Court will look at your complaint to see if you are able to explain your case clearly.
- 4. How complex is your case?** The Court will consider whether your case involves unusually complicated facts or legal issues.
- 5. Does it appear you may succeed on the merits of your claim?** This does not infer a ruling or opinion of the judge on the outcome of your case.

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Where to file your complaint

- **Come to one of our clerk's offices** – this is a great option if you are filing a case for the first time and have questions. We can also make sure that your forms are filled out completely. Here are the clerk's office addresses:

US District Courthouse
Clerk's Office
700 Stewart Street, Suite 2310
Seattle, WA 98101

Union Station Courthouse
Clerk's Office
1717 Pacific Ave, Room 3100
Tacoma, WA 98402-3200

- **Send by e-mail** – If you would like to send your new case documents by e-mail, you must send them in .pdf format. You can scan the documents, or you can use various software programs to convert them into the proper .pdf format. Please note that you can only e-mail new case documents to the court for filing. Once your case is opened, you will either need to file in paper over the counter or through the mail, OR register to file electronically through ECF. Here are the clerk's office e-mail addresses for new case filings:

Newcases.seattle@wawd.uscourts.gov
Newcases.tacoma@wawd.uscourts.gov

NOTE: If you do not personally come to the clerk's office, you may want to call to make sure your case information was received.

What does the clerk's office do with the case information?

The clerk who is helping you will review the documents in your case to make sure we have everything we need. He or she will make sure that all of the questions have been answered on the forms. If everything is in order, and you are paying the filing fee, the clerk will:

- file-stamp your documents (the file-stamp shows the date you filed the case),

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- assign a case number and judge,
- sign your summons forms, and
- print you a receipt for the \$350.00 filing fee.

If you are asking that the filing fee be waived, no summons will be issued. Later, if the judge orders the filing fee waived, the clerk will issue the summons you have provided to the Court (be sure to have them completely filled out when submitting them to the clerk's office). If your application is **denied**, you will receive an order in the mail to this effect, with instructions as to when the filing fee must be paid. **Your case may be dismissed if this date is missed.** If you are required to pay the fee, then it will be your responsibility to serve the defendants with your complaint and the summons. For more information on how to serve the defendants, please refer to Part 4.

Paying court fees and payment options

Below are your options for paying court fees. If you have any questions about fee payment, please contact the clerk's office. **Please note that as of May 1st, 2012, the Clerk's Office does not accept cash for payments of any kind.**

- Check made payable to "Clerk, U.S. District Court" (personal, cashiers checks or money order accepted; NO counter checks)
- Credit card (Visa, MasterCard, American Express, and Discover)

What the clerk's office can and cannot do

The clerk's office is available to help answer many of your questions. However, we are legally prohibited from providing legal advice. We must also provide the same type of assistance to all parties, plaintiffs and defendants.

Printable forms and answers to frequently asked questions are also available online. Please visit our website at www.wawd.uscourts.gov.

Below is a summary of what we can, and cannot, provide for you.

WE CAN:

- Explain and answer questions about how the Court works.

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- Provide you with the phone numbers and addresses of local lawyer services, legal aid services, and/or state libraries.
- Give you general information about the Court rules, procedures, and practices.
- Provide you with information from your case file and help you access information from the public computer station.
- Provide you with available court forms and instructions.

WE CANNOT:

- Give you legal advice.
- Tell you whether or not you should file a new case.
- Tell you what words you should use in your court pleadings/papers.
- Talk to the judge for you or let you talk to the judge outside of court.
- Tell you what you should say in court.
- Compute deadlines in your case.
- Interpret the Federal or Local Rules.
- Tell you what document you should file.
- Predict how or when the judge might rule on your case.

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HINTS FOR WHEN YOU GO TO THE CLERK'S OFFICE:

- You must show a photo ID to enter the courthouse. You must pass through courthouse security.
- No weapons of any type, drugs or other illegal items are allowed.
- Have your information/case organized.
- Do not be afraid to ask questions; however, the clerk's office staff cannot give you legal advice or answer questions about procedures of other agencies.
- Have your fees (check, money order or credit card will be accepted) ready for payment. **The clerk's office does not have change. Please bring exact amounts only. Cash will not be accepted.**
- Come at least one hour prior to closing (we close at 4:30PM) so we have sufficient time to answer all your questions and process your documents.
- The best times are before 1:00PM (less waiting time).

Part Three

Electronic Filing System (ECF)

Once you have filed your initial documents and your case has been opened on the Court's system, you may file documents in your case on-line, or electronically, using our Case Management/Electronic Case Filing System (CM/ECF). This system not only allows you to file your documents without coming in to the clerk's office, it also allows you to see everything that is filed by you (the plaintiff), the Court, the defense and any other parties in your case.

If you would like to learn more about filing your case electronically you may go to our website at www.wawd.uscourts.gov. You will find a CM/ECF Registration form included in this packet. When visiting the Court's website, please be sure to refer to our **ECF Filing Procedures**. These will outline the requirements for filing on ECF. You must understand and comply with the filing procedures.

- “Representing Yourself” homepage:
 - <http://www.wawd.uscourts.gov/courtservices/representingyourself.htm>
- Electronic Case Filing Procedures:
 - <http://www.wawd.uscourts.gov/ElectronicFiling/ECFHomepage.htm>

Registration

You must complete and submit an [ECF registration form](#) for each of your cases. You are required to enter a case number so the court can activate your ability to file electronically.

Electronic registration is not mandatory. So, if you do not have the experience, equipment or computer savvy, we recommend that you file in paper and by mail.

By signing the agreement to file your documents electronically through ECF, you waive your ability to file your documents in paper form over the counter or through the mail. Please be sure to read the registration form carefully before signing.

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The registration form can be downloaded from our website at the following address:
<http://www.wawd.uscourts.gov/courtservices/representingyourself.htm>.

Getting Started: Equipment and Software

You must have the following equipment/software or access to equipment/software to electronically file documents:

- A personal computer with internet access
- Internet Explorer or Firefox (Other browsers will not work with ECF and are not supported)
- Software to convert your documents to PDF (Portable Document Format)
OR
- A scanner set to 200 dpi (dots per inch) for scanning documents to PDF format.
- Adobe Acrobat Reader software (free download) to view and save documents and website forms

Additional Requirements

- You should have at least one e-mail account to receive court notices of filings and orders. An additional e-mail account is advisable but not mandatory.
- Experience in the use of word processing applications, printers, and the Internet.

PDF Documents

All PDF documents must be **under 5MB or 5,000 KB** in size in order to be accepted by the filing system. The file size will be determined by the number of pages and quality of the document scan.

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Electronic Filing Terminology

- **CM/ECF:** Case Management/Electronic Case Filing
- **PDF:** Portable Document Format. A document created with almost any word processing program can be converted to PDF. The PDF conversion program, in effect, takes a picture of the original document so the converted document can be opened across a broad range of hardware and software, with layout, format, links, and images intact. Only documents in PDF format may be filed with the court using the ECF system.
- **Login Screen:** Where you enter your ECF Login, Password and check the redaction agreement box to the right of the login to begin your filing.
- **ECF Blue Bar Menu:** The menu where you choose “Civil” to begin your filing.
- **Available Events:** A list contains types of documents Select the type of document you are filing from a list.
- **Notice of Electronic Filing or NEF:** Your receipt of filing, indicating your document has been transmitted to the court. You can save or print the notice. You will also receive an e-mail with the same Notice of Electronic Filing. Click on the document number in the e-mail to view the document once without charge. Make sure you are using a single click, not double clicking on the document number. If you double click, you may be charged the PACER fee (currently 10 cents per page) for viewing the document.
- **Main Document and Attachments:** Click the Browse button and search your computer for the PDF document. A main document example would be a motion. An attachment example would be a proposed order or exhibit.
- **Docket Text:** The official court record of your filing.

Sealed Documents

- Per [Civil Local Rule 5\(g\) \(7\)](#), you **cannot** electronically file documents under seal.

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- You must first seek permission from the Court to file sealed documents, in the form of a Motion to Seal, Proposed Order, and a Declaration or Affidavit supporting your Motion. These documents can be electronically filed through ECF under the Motions and Supporting Documents category.
- The Motion to Seal should provide a specific description of those documents or categories of documents you wish to protect.
- Once you receive an Order from the Court granting you permission to file sealed documents:
 - Each document to be filed under seal must be submitted in hard copy and submitted in a separate envelope, clearly identifying the enclosed document and stating that the document is “FILED UNDER SEAL.” For Example:
 - If both the motion and the accompanying affidavit should be filed under seal, the two documents must be submitted in separate, clearly marked envelopes so that each may be entered on the docket.
 - If only one exhibit or document needs to be filed under seal, only that exhibit or document should be submitted in an envelope.

PACER (Public Access to Court Electronic Records)

Public Access to Court Electronic Records (PACER) (<http://www.pacer.uscourts.gov>) is an electronic public access service that allows users to obtain case and docket information from Federal Appellate, District and Bankruptcy courts, and from the [PACER Case Locator](#) via the Internet. [Links](#) to all courts are provided from this web site.

Electronic access is available by [registering](#) with the PACER Service Center, the judiciary's centralized registration, billing, and technical support center.

Registering for a PACER login and password will enable you to:

- View dockets and documents of your case(s) and other cases in our district and country wide.
- Run a docket activity report in your case(s).
- View written opinion orders of judges in our district at no charge.

There is a PACER user fee of 10 cents per page.

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PACER is a service of the United States Judiciary. The PACER Service Center is operated by the Administrative Office of the United States Courts.

Electronic Filing Assistance

For questions or assistance with electronic filing, contact ECF Support at:

- (206) 370-8440 (Inside Seattle)
- (866) 323-9293 (Outside Seattle)
- E-mail us at cmecf@wawd.uscourts.gov

Part Four

Service of Summons and Complaint

What does service mean?

You are required to let the defendant(s) know that you have filed a case against them in federal court. You do this by having the deputy clerk sign and stamp the Court's seal on the summons form that you filled out. The summons is then returned to you and it is your responsibility to ensure each defendant receives a copy of the stamped summons form along with a copy of your complaint. This process is called "service" or "serving the defendant(s)."

The rules for serving the original complaint are different from the rules for serving other papers, and must be followed exactly. If the complaint is not properly served on the defendants, the case may not proceed. [Rule 4](#) of the Federal Rules of Civil Procedure includes the requirements for serving the complaint.

When must it be done?

Under [FRCP 4](#), you have 120 days from the date you filed the complaint to serve the defendants in your case. If your case has a claim under state law, you might have fewer than 120 days to serve the defendant(s). Make sure you understand the applicable federal and state rules and time limits or your case could be dismissed. Contact an attorney for further information or for help in determining how much time you have for service.

Who must be served?

All of the defendants that you have named in your complaint must be served. The defendants who are not served within the required time limit may be dismissed from your lawsuit. It is also important to note that the clerk will only issue summons upon parties named as defendants in your complaint.

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HINT: After you have filed your case, attempt to serve the stamped summons and a copy of your complaint on the defendant(s) as soon as possible!

Who serves the documents?

As the plaintiff in the case, you are ultimately responsible for the service of the complaint to all parties. Please refer to [FRCP 4](#) for information. You may wish to contact an attorney to find out the proper method by which to complete service.

HINT: If the defendant is a company that does business in Washington, the easiest way to serve the summons and complaint is on the registered agent. The registered agent is a person or company with a Washington address who is authorized to accept service of process. You can find out if a company has a registered agent by contacting the Washington Secretary of State at (360) 902-4151 and at <http://www.sos.wa.gov/>

US Marshal's Service of Complaint

In some types of cases, or if you are proceeding in forma pauperis, the Court may order the U.S. Marshal's Service or the clerk's office to serve the summons and complaint, or you may request that the Court issue an order. A court order is necessary to obtain service of process by the US Marshal's Service. (See [FRCP 4\(c\)](#) and [Local Rule 4](#))

Serving a summons on a federal agency

If you are suing the United States Government, [FRCP 4](#) includes a list of all parties you must serve.

If you are suing the **United States or one of its agencies**, you cannot ask for a **Waiver of Service**.

How does the court know when the summons has been served?

The person who serves the summons and complaint on the defendant must complete the Return of Service information on the back side of the summons and return it to you. You will then file this document with the clerk's office. If you send the summons by certified

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mail, you will receive the green certified mail receipt from the post office after the summons has been delivered. You should then attach the green receipt to the service page (2nd page) of your copy of the summons and file it with the clerk's office.

Part Five

What Happens After the Case is Filed?

Each case is unique and may or may not follow the steps outlined below. This is to be used as a general guideline and is not meant to be interpreted as the schedule for your particular case. The judge assigned to your case and his/her staff will be in communication regarding any hearing or deadlines.

Case assignment

The clerk's office assigns the case a number that you must include on all documents you file with the Court. The case will randomly be assigned to either a District or Magistrate Judge. You cannot choose your judge. A District Judge may also refer your case to a Magistrate Judge to handle different stages of the case leading up to the trial.

If all of the parties in the case consent, a Magistrate Judge may handle the entire case. (See [Rule 73](#) of the Federal Rules of Civil Procedure and this Court's [General Order Re: Consent References to U. S. Magistrate Judges](#)).

HINT: In cases where the parties have consented to a Magistrate Judge, all appeals of their decisions must be filed with the Ninth Circuit Court of Appeals.

If parties have not yet consented, appeals will be heard by a District Judge.

See [Rule 73\(c\)](#) of the Federal Rules of Civil Procedure for more information.

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A judge rules on the motion to proceed in forma pauperis (if filed)

If you do not have the \$350.00 fee, you may apply to have the fee "waived," which means that you may file your case without paying the fee (see Part 2). You must file a Motion to Proceed In Forma Pauperis (a copy of this motion is included in this packet and on the Court's website). If the judge grants your motion, you will not have to pay the filing fee and your case will proceed.

If the judge denies your motion, you will be given a deadline to pay the fee. If you are not incarcerated, you must pay the \$350.00 fee all at one time. After you pay the fee, you must serve the summons on defendants (see Part 4).

If you do not pay the fee, your case cannot proceed and will likely be dismissed.

See Part 2 for more information on filing a Motion to Proceed In Forma Pauperis.

A judge rules on the motion for appointment of counsel (if filed)

If you would like an attorney, and cannot afford to hire one, the Court may appoint an attorney to represent you, which means that the Court will find a lawyer to handle your case.

To ask the Court to appoint a lawyer, you must file a motion for appointment of counsel. A copy of this motion is included in this packet and on the Court's website.

If the judge grants your motion, you will be sent an order that contains the name, address and phone number of the lawyer who will be handling your case. If the judge denies your motion, you must either represent yourself or find an attorney to represent you.

See Part 2 for more information on filing a Motion for Appointment of Counsel.

Defendants do not file an answer

- **Entry of default** - A party is in default when it fails to respond to a summons and complaint served on the party in the time required by law. If a party is in default, the plaintiff can request that the default be entered into the Court record by the clerk, which gives the plaintiff the opportunity to request a default judgment. See [FRCP 55](#) and [Local Rule 55](#).

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- **Default judgment** - After the clerk's office enters a default against a party, plaintiff may file a motion for default judgment. Default judgment is a judgment awarding the plaintiff the relief sought in the complaint because the defendant has failed to appear in court or otherwise respond to the complaint. See [FRCP 55](#) and [Local Rule 55](#).

Defendants file an answer

Each named defendant responds to the complaint by filing an answer or a motion. The case will then proceed to the pretrial stage.

Pretrial stage

After the defendant or defendants have entered their appearance in your case, either by filing an answer or a motion, the case will move into the pretrial stage.

The judge assigned to your case may order the parties to meet, either in person or by phone, to discuss various matters and prepare a joint status report to file with the Court. The report will include a proposed schedule for the case.

You may also receive an order from the Court setting a scheduling conference. This conference will likely be the first meeting with the judge. This conference may be held in the courthouse or by telephone conference call.

The assigned judge will issue a scheduling order setting deadlines for discovery (getting information from each other about the case), filing motions, a pretrial conference and possible trial date.

DISCOVERY

To prepare a case for trial, the parties may conduct "discovery." In discovery, the parties must provide information to each other about the case, such as the identity of witnesses and copies of any documents related to the case. The purpose of discovery is to prepare for trial by requiring the litigants to assemble their evidence and prepare to call witnesses. Each side also may file requests, or "motions," with the Court seeking rulings on the discovery of evidence, or on the procedures to be followed at trial. **In general, the discovery documents outlined below are not filed with the clerk's office.**

- **DEPOSITIONS** - This is like an interview where you, the defendants, or another witness, answer questions in person and under oath. The deposition will be recorded

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by tape or video recording and/or by a court reporter (See [FRCP 30](#)). Court reporters charge a per page fee to transcribe the testimony and prepare a written transcript.

- **INTERROGATORIES** - These are written questions that must be answered in writing, under oath. (See [FRCP 33](#))
- **DOCUMENT REQUESTS** - These are written requests for documents and tangible things (like a defective product). The term “document” can include all forms of recorded information such as drawings, graphs, charts, photographs, etc. (See [FRCP 34](#))
- **REQUESTS FOR ADMISSION** - These are written requests asking you or the defendant(s) to admit that certain facts are true or that certain documents are genuine. (See [FRCP 36](#))

Dispositive motions

During the course of the case, a defendant or plaintiff may file a dispositive motion. Dispositive motions are motions that ask the Court to decide claims or the case without a trial. They are used when there are no factual disputes between the parties and the Court can decide a case or claim as a matter of law. Two common types of dispositive motions are *Motions to Dismiss* and *Motions for Summary Judgment* (See [FRCP 12](#) and [56](#)).

Final pretrial conference and pretrial order

The judge assigned to your case may schedule a final pretrial conference to take place after discovery is completed. Unless otherwise ordered by the Court, you and the defendant(s)' lawyer must file a proposed pretrial order. You will work together in preparing the proposed pretrial order to be submitted to the judge.

The pretrial order will serve as the “road-map” for the trial of the case. The trial will be limited to issues and claims outlined in the pretrial order (See [Local Rule 16](#)).

After the pretrial conference, the magistrate judge will no longer be involved in the case unless you consented to have the magistrate judge preside over the whole case. The district judge may hold a status conference before the trial.

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Trial

If your case goes to trial, it can be tried to the Court (meaning that only the judge decides the case) or to a jury. Each judge may have specific court guidelines regarding trial available on the Court's website: www.wawd.uscourts.gov.

If your case is tried to the Court, no jury is present and the judge will consider all evidence and make a ruling. Many times the judge will take the case under advisement. This means that the judge will issue a written order at a later date following the last day of trial. This can sometimes take several months.

If your case is tried to a jury, you will go through the process of selecting a jury which is called "voir dire." This process allows the judge, you, and counsel for the defendant to ask questions of potential jurors to see if there is a conflict for a juror to sit and fairly and impartially consider the evidence. Once this process is complete, the jurors will be sworn to try the case. In civil cases, eight (8) jurors will hear the evidence. There are no alternate jurors.

In either a court or a jury trial, as plaintiff, you get to present your evidence first. The Federal Rules of Evidence will determine whether you can present certain factual information to the Court or jury. Your evidence will consist of exhibits and the testimony of witnesses who have agreed to come to court to testify on your behalf, or witnesses you have subpoenaed to testify. Please refer to the federal rules on the issuance of subpoenas for trial ([Rule 45](#) of the Federal Rules of Civil Procedure). You will ask questions of each witness you call to testify.

When you are finished asking questions, the defense will get to ask questions of your witnesses. When they have finished asking questions, you will have another chance to follow up on questions the defense asked, but you do not get to ask new questions on topics not already discussed. The judge will control this process. The judge, on his or her own or following an objection from a party, will make decisions about whether a question is proper or if an exhibit should be admitted into evidence.

Once you have presented all of your exhibits and witnesses, the defense will get a chance to present exhibits and witnesses. You will be able to ask questions of defense witnesses. When the defense is finished, you will have a chance to put on any additional witnesses. These are called "rebuttal witnesses." If you have any rebuttal witnesses, you may not ask them any new questions on topics that were not already discussed. You can use rebuttal witnesses to try to show the testimony of defense witnesses was not accurate.

In a jury trial, the judge will prepare jury instructions. These are instructions on the law that the jury must apply to your case in making their decision. You and the defense counsel will be consulted on these instructions before they are read to the jury.

Once the jury has heard all the evidence and testimony and listened to the Court's instructions, they will go to the jury room to talk about the case. Once they have reached a

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decision, they will come back into court and the decision will be read. The judge will direct the clerk to prepare a judgment and the case will be closed.

Judgment

If you win, by default or at trial, the judge will have the Clerk of Court prepare a judgment stating the amount of damages you win from the defendant. The judgment will list the exact amount, in dollars and cents, and say which defendant owes you how much money. A deputy clerk will prepare and sign the judgment.

If you lose at trial or by summary judgment, the judge will have the Clerk of Court prepare a judgment stating that the defendant owes you nothing. The defendant may also request that the Court order you to pay its costs and attorneys fees spent in defending the case. A deputy clerk will prepare and sign the judgment.

Either you or the defendant may file an appeal to the Ninth Circuit Court of Appeals if you disagree with the Court's decision.

Notice of Appeal

You may appeal a final decision of this court. In most cases, the appeal should be to the United States Court of Appeals for the Ninth Circuit. You should consult Federal Rule of Appellate Procedure 4 for the time limits.

The filing fee for an appeal is \$455.00 unless the Court granted your Motion to Proceed Without Prepayment of Fees when your complaint was filed, in which case you will not need to pay the filing fee for the appeal. If you paid the filing fee for your original case but you cannot afford to pay the appeal fee, you may file the form "Motion to Proceed In Forma Pauperis" along with your appeal.

To file an appeal, you must file a notice of appeal with the clerk of this court. A Notice of Appeal form is available in the Federal Rules of Appellate Procedure Forms Index and also at this Court's website.

Information about the Ninth Circuit Court of Appeals can be found at the following site: <http://www.ca9.uscourts.gov/>.

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HINTS FOR WHEN YOU ARE IN COURT:

- No gum chewing; no eating; no drinking; no reading newspapers or magazines; no sleeping; no loud talking.
- When the judge enters or leaves the courtroom, you must stand up.
- Call the judge “Your Honor;” speak clearly.
- Do not bring cameras or other recording devices. If you bring your cell phone, please be sure it is turned off before entering the courtroom.

Part Six

Filing of Documents After Case is Filed

Once you've filed your case in federal court, you will need to ensure you are familiar with the rules regarding how documents are to be submitted. You can find this information in the Local Rules for this district and the Federal Rules of Civil Procedure. Also, the judge assigned to your case may have specific requirements for how he or she might want documents presented, which are listed on his or her "web page" on the Court's website. The web page (along with links to the Local Rules and the Federal Rules of Civil Procedure) are located at www.wawd.uscourts.gov.

All papers that you wish the Court to consider must be filed with the clerk of court, either in paper form or electronically. In addition, you must serve copies of all documents you file on all other parties (See [FRCP 5](#) and [Local Rule 5](#)).

The clerk's office can only assist you to a certain extent as we are not allowed to provide legal advice. If you are missing certain forms, the clerk's office may be able to provide you with a copy for your use. As with the previous sections of this guide, if there are any questions about whether you should or should not do something, you may want to consult an attorney.

There are many forms available at the clerk's office, but please note, **not all documents you wish to file will have a corresponding blank form**. Example: you may wish to file a motion with the Court, but the clerk's office does not carry a blank motion form for you to fill out. In this case, you will need to draft the motion.

You are ultimately responsible for what you file and how you present it to the Court. Below you will find a few points that may assist you with filing your documents.

Format of Documents

All documents shall be on 8-1/2 x 11 inch white paper and bear line numbers in the left margin. Do not worry if you cannot type your document. **If you do write out your paperwork by hand, please ensure it is legible, using a pen (not a pencil)**. You must include the assigned judge's name and the case number on all documents you file with the Court (See [Local Rule 10](#)).

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Removal of Personal Identifying Information

Before you file your complaint or any other document with the Court, you must remove dates of birth, names of minor children, social security numbers, financial account numbers, passport and driver license numbers. This requirement serves to protect your privacy because anyone can access documents filed with the Court (See [Local Rule 5.2](#)).

Motions

Filing and serving a complaint is the first step in a lawsuit. After that, if you want the Court to do something, such as rule in your favor or extend a deadline, you must file a motion requesting that relief. For example, if you need more time to respond to defendant's motion to dismiss, you should file a paper titled *Motion for an Extension of Time to Respond to Defendant's Motion to Dismiss*. With your motion, you must include a proposed order that states what you want the Court to do.

All motions must be filed with the clerk's office, in paper or electronically, and served on all parties.

For most types of motions, the opposing party can file a response brief, then the party who filed the motion can file a reply.

All motions must include a “**noting**” **date**. This is the date the motion will be ready for ruling. The noting date must appear on the face of the motion directly under the document title (See [Local Rule 7](#)).

Noting Dates

The following types of motions can be noted for the **same day** they are filed; no response or reply is permitted unless otherwise ordered by the Court.

- Stipulations and agreed motions (see [CR 10\(g\)](#));
- Motions to file over-length motions or briefs (see [CR 7\(f\)](#));
- Motions for reconsideration (see [CR 7\(h\)](#));
- Joint submissions pursuant to the optional procedure established in [CR 37\(a\)\(1\)\(B\)](#);
- Motions for default (see [CR 55\(a\)](#));
- Requests or motions to enter default judgment where opposing party has not appeared (see [CR 55](#));

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- Ex parte motions

Except for same day motions, all other motions must be noted for consideration on a Friday.

The following types of motions cannot be noted any earlier than the **second Friday** after they are filed. Unless otherwise ordered by the Court, any response is due by the Wednesday before the noting date; any reply is due by the noting date.

- Motions for relief from a deadline;
- Motions for protective orders;
- Motions to seal (see [CR 5\(g\)](#)).

The following types of motions cannot be noted any earlier than the **third Friday** after they are filed. Unless otherwise ordered by the Court, any response is due by the Monday before noting date; any reply is due by the noting date.

- All nondispositive motions except those specifically listed in other parts of [Local Rule 7\(d\)](#)
- Examples include motions to amend pleadings, motions to remand, and motions to compel discovery.

The following types of motions cannot be noted any earlier than the **fourth Friday** after they are filed. Unless otherwise ordered by the Court, any response is due by the Monday before the noting date; any reply is due by the noting date.

- Dispositive motions (motions that result in the final disposition of a claim, a party, or the entire case, including motions to dismiss and motions for summary judgment);
- Motions for a preliminary injunction.

For **motions in limine**, unless otherwise ordered, any response is due by the Monday before the noting date, no reply is permitted, and the motion must be noted no earlier than the third Friday after filing but no later than the Friday before the Pretrial Conference absent good cause.

Oral Argument

To request oral argument on your motion, you must write “Oral Argument Requested” beneath the case number and document title. Oral argument on a motion occurs only after this request is granted by the judge. **Therefore, do not appear in court on the noting date**

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unless oral argument has been granted for that day. If the Court grants oral argument, all parties (including pro se litigants) will be contacted by the judge's clerk as to the date and time of argument (See [Local Rule 7](#)).

Length of Briefs

For more information, see [Local Civil Rule 7\(e\)](#).

Opening and answering briefs relating to motions for summary judgment or other dispositive motions shall not exceed 24 pages without prior approval of the Court.

Briefs which relate **to all other motions** shall not exceed 12 pages without prior approval of the Court.

A reply brief shall not exceed one-half the permitted length of the motion without prior approval of the Court.

Dates and Signature Lines

All pleadings and motions shall be dated and signed as provided by [Rule 11](#) of the Federal Rules of Civil Procedure and as provided in the Electronic Filing Procedures adopted by the Court, and have the signors' names printed or typed under all signature lines.

Subpoenas

Pro Se litigants cannot issue their own civil **subpoenas** for trial, deposition, or entry onto premises. This applies to the issuance of "foreign" subpoenas (that is, subpoenas in other district courts) as well. **The Court must issue civil subpoenas for pro se litigants.** The rules controlling the issuance of subpoenas can be found in the Federal Rules of Civil Procedure, [Rule 45](#).

Change of Address

It is extremely important that you always keep the Court updated on any changes in your address. Your address may be the only way the Court communicates with you regarding your case. **Failure to keep your address up to date may result in the dismissal of your case** (See [Local Rule 10](#)).

Part Seven

Resources That May Help You

If you cannot pay an attorney, but need legal advice, there are a number of agencies that may be able to help you. Below are just a few examples and is no way meant to act as a complete list.

Where can you get legal advice?

- Washington State Bar Association: 800-945-WSBA, <http://www.wsba.org>
- King Co. Bar Association: (206) 267-7100, <http://www.kcba.org/pbs/legalhelp.aspx>
- Pierce Co. Bar Association: 1-888-822-5134, <http://www.tacomaprobono.org/>
- Your local Bar Association.

Federal Civil Rights Legal Clinic

The Federal Bar Association for the Western District of Washington holds a free legal clinic **every other Thursday from 12:00-2:00 pm** at the Seattle Courthouse. You can have thirty (30) minutes of free legal advice from a volunteer attorney.

The Legal Clinic deals with federal legal issues involving discrimination, prisoner rights, Fourth Amendment search and seizure, excessive force, free speech, voting rights, the Second Amendment, and religious freedom.

Volunteer attorneys will not provide legal representation but can refer clients to other community resources.

Clinic sessions **are by appointment only**. To set up an appointment, please call 206-819-5084.

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The Legal Clinic is located directly across from the Clerk's Office. Photo Identification is required for entry into the courthouse.

Where can you do legal research?

There is a library located on the 19th floor of the Seattle Courthouse (open 12:30PM to 4:30PM) that may help facilitate some of your research needs. In addition, the King County Bar Association has numerous legal clinics in the greater Seattle area (see their contact information above) that may also have resources that are available. The Washington State Bar Association can refer you to a legal clinic outside of the King County area.

In addition, public universities and libraries may have materials to help you research your case. The clerk's office will not be able to help you with your legal research.

Glossary

- **Answer:** The formal written statement by a defendant responding to a civil complaint and setting forth the grounds for his/her defense.
- **Affidavit:** A written or printed statement made under oath.
- **Bench Trial:** A trial conducted before a judge without a jury. In such trials, the judge decides both questions of facts and questions of law. In a jury trial, questions of facts are determined by the jury and only questions of law are decided by the judge. The rules of evidence and procedural methods are the same in both.
- **Civil Cover Sheet:** A form that asks questions about your case and is required when filing a new case.
- **Clerk of Court:** An officer appointed by the Court to oversee the Court's administration. The Clerk of Court's signature may appear on some Court documents. However, the Clerk of Court does not take phone calls or come to the counter regarding your case. Instead, you should direct questions about your case to clerk's office staff or to the deputy clerk who works for the judge assigned to your case.
- **Clerk's Office:** Located in the US Courthouses in Seattle and Tacoma, an office with court employees who can answer procedural questions and process your

Filing Your Case in Federal Court: A Pro Se Guide

documents for filing. You can also reach the clerk's office during normal business hours by calling (206) 370-8400 for Seattle and (253) 882-3800 for Tacoma.

- **Complaint:** A written statement filed by the plaintiff that opens a civil case, stating what the plaintiff claims that the defendant did and requesting relief from the Court.
- **Contract:** An agreement between two or more persons that creates an obligation to do or not to do a particular thing.
- **Counsel:** Legal advice; a term also used to refer to the lawyers in a case.
- **Court:** Government entity that resolves legal disputes.
- **Damages:** Money paid by defendants to successful plaintiffs in civil cases to compensate the plaintiffs for their injuries.
- **Defendant:** In a civil case, the person, company, or organization that the plaintiff is suing.
- **District Judge:** A judge in the federal court system appointed for life by the President of the United States with confirmation by the United States Senate.
- **Dismiss a case:** When a judge dismisses a case, the judge essentially ends the case without a trial. If the dismissal is "with prejudice," the plaintiff cannot refile it. If the dismissal is "without prejudice," the plaintiff may be able to refile it or reopen the case.
- **Docket:** A summary of the activity in a certain case, containing a list of filings. The docket tells you who filed the case, who it is against, any attorneys on the case, and when documents were filed. The docket is available electronically through the Court's CM/ECF system. To "docket" an item is to upload it onto our CM/ECF system.
- **Evidence:** Information presented to a judge or jury, including documents and testimony of witnesses.
- **Federal Question Jurisdiction:** Jurisdiction given to federal courts in cases involving the U.S. Constitution, acts of Congress and treaties.
- **In Forma Pauperis:** "In the manner of a pauper." Permission given by the Court to a person to file a case without prepayment of the required court fees because the person cannot pay them.
- **Issue:** 1. The disputed point between parties in a lawsuit; 2. To send out officially, as in a court issuing an order.

Filing Your Case in Federal Court: A Pro Se Guide

- **Judge:** An official of the judicial branch with authority to decide lawsuits brought before courts.
- **Judgment:** The official decision of a court finally resolving the dispute between the parties to the lawsuit.
- **Jurisdiction:** 1. The legal authority of a court to hear and decide a case; 2. The geographic area over which the court has authority to decide cases.
- **Jury:** The group of persons selected to hear the evidence in a trial and render a verdict on matters of fact.
- **Lawsuit:** A legal action started by a plaintiff against a defendant based on a complaint that the defendant failed to perform a legal duty which resulted in harm to the plaintiff.
- **Magistrate Judge:** Judicial officers appointed by the judges of federal district courts pursuant to the United States Magistrates Act. Federal magistrates may be assigned some, but not all, of the duties of a United States District Court Judge.
- **Motion:** A request by a litigant that a judge make a ruling or take some action relating to the case.
- **Noting Date:** This is the date the motion will be ready for ruling. The noting date must appear on the face of the motion directly under the document title. See Local Rule 7.
- **Party:** One of the litigants. At the trial level, the parties are typically referred to as the plaintiff and defendant.
- **Plaintiff:** The person who files the complaint in a civil lawsuit.
- **Pleadings:** Written statements filed with the court which describes a party's legal or factual assertions about the case.
- **Praecipe:** A form located on the court's website that requests the court to do, or not do an action. Example: Praecipe to Not Issue Summons or Praecipe for Issuance of Summons.
- **Procedure:** The rules for conducting a lawsuit.
- **Pro Se:** A Latin term meaning "on one's own behalf"; in courts, it refers to persons who present their own cases without lawyers.

Filing Your Case in Federal Court: A Pro Se Guide

- **Record:** A written account of the proceedings in a case, including all pleadings, evidence, and exhibits submitted in the course of the case.
- **Sealed:** To close off records from public access. See [Local Rule 5](#).
- **Statute:** A law passed by a legislature.
- **Summary Judgment Motion:** A motion for summary judgment asks the Court to rule in one party's favor without a trial.
- **Summons:** A notice, typically served along with a complaint, informing the defendant that a lawsuit has been initiated and notifying the defendant of where and when he or she must respond.
- **Testimony:** Evidence presented orally by witnesses during depositions, trials or before grand juries.
- **Witness:** A person called upon by either side in a lawsuit to give testimony before the court or jury.

Filing Your Case in Federal Court: A Pro Se Guide

Final Checklist for Filing

Before coming to the US District Court for the Western District of Washington to file your case, please review the follow checklist to ensure you are fully prepared. **You may bring this checklist with you.** If you are able to complete each of these steps, you will have a much easier time filing your case.

- Read through “Filing Your Case in Federal Court: A Pro Se Guide” for the Western District of Washington.
- Obtained court forms for use in filing your case, or prepared your own forms that comply with the court’s Local Rules and the Federal Rules of Civil Procedure.
- Filled out all forms completely (including, but not limited to, the Civil Cover Sheet, Complaint, Summons and, if applicable, Motion to Proceed In Forma Pauperis).
- Clearly marked your contact information on the complaint and civil cover sheet. The court will use this address to send correspondence from the court. Please ensure you update the court on any change of address.
- Signed all documents.
- Have check, money order, or credit card ready at the time of filing. Note: the filing fee for a new civil case is \$350.00. If you e-mail your case, you may call the court with your credit card number (do NOT include your credit card information in your e-mail).
- If you cannot afford the filing fee at the time of filing, have your Motion to Proceed In Forma Pauperis (IFP) completed. Your summons will not be issued until the judge rules on the motion.
- Have all summonses completely filled out for each defendant, including their address and number of days to file their answer.
- Bring all documents to the clerk’s office in a clearly organized manner.
- Present an additional copy to the clerk if you want a stamped copy for your records.
- If your document requires a copy for the judge, please have those clearly marked as a “Judge’s Copy.” The clerk’s office will retain the original and forward the judge’s copy to chambers.

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 NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and 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"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <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 <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <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"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <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 <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
		LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <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))	
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

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

1 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

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 _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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

Western District of Washington

Plaintiff

vs.

Defendant(s)

Case Number: _____

DECLARATION AND APPLICATION TO PROCEED IN FORMA PAUPERIS AND WRITTEN CONSENT FOR PAYMENT OF COSTS

DECLARATION AND APPLICATION TO PROCEED IN FORMA PAUPERIS

I (print your name) _____ declare I am the plaintiff in this case; I believe I am entitled to relief; and I am unable to pay the costs of this proceeding or give security therefor. The nature of my action is *briefly* stated as follows: _____

In support of this application, I answer *all* of the following questions:

1. Are you presently employed?

Yes Total amount of net monthly salary (take home pay) \$ _____

Name and address of employer _____

No Date of last employment _____ Total amount of last net monthly salary \$ _____

2. If married, is your spouse presently employed? Not married

Yes Total amount of spouse's net monthly salary (take home pay) \$ _____

Name and address of employer _____

No Date of spouse's last employment _____ Total amount of last net monthly salary \$ _____

3. For the past twelve months, list the amount of money you and/or your spouse have received from any of the following sources.

a. Business, profession or other self-employment \$ _____

b. Income from rent, interest or dividends \$ _____

c. Pensions, annuities or life insurance payments \$ _____

d. Disability, unemployment, workers compensation or public assistance \$ _____

e. Gifts or inheritances \$ _____

f. Money received from child support or alimony \$ _____

g. Describe any other source of income _____ \$ _____

4. List the amount for each of the following for you and/or your spouse:

Cash on hand \$ _____ Checking Account \$ _____ Savings Account \$ _____

5. Do you and/or your spouse own or have any interest in any real estate, stocks, bonds, notes, retirement plans, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? If Yes, describe the property and state its approximate value:

Yes No \$ _____

6. Are any persons dependent upon you or your spouse for support? If Yes, state their relationship to you or your spouse, and indicate how much is contributed toward their support each month. (Do not include names of minor children.)

Yes No \$ _____

7. Describe the types of monthly expenses you incur, such as housing, transportation, utilities, loan payments, or other regular monthly expenses and the amount spent each month.

_____ \$ _____

8. Provide any other information that will help explain why you cannot pay court fees and costs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: (Date) _____ Signature of Plaintiff _____

WRITTEN CONSENT FOR PAYMENT OF COSTS UNDER LOCAL RULE CR3(b)

I, (print your name) _____

hereby consent that any recovery in damages that I may receive in the above-captioned cause may be reduced, if so directed by the court, in such an amount as is necessary for payment of the unpaid fees and costs which are taxed against me in the course of this litigation.

Executed on: (Date) _____ Signature of Plaintiff _____

Instructions for use:

1. Check the above box "Highlight Fields" to show fields on this form.
2. Complete the form.
3. Print, sign the document, and file with the court..

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

Plaintiff(s)

vs.

Defendant(s),

COMPLAINT

Parties to this Complaint:

Plaintiff's Name, Address and Phone Number

Defendant's Name, Address and Phone Number

Defendant's Name, Address and Phone Number

1 Defendant's Name, Address and Phone Number

2

3

4

5 (If you have more defendants, list them using the same outline on another piece of paper.
6 Attach additional sheets, if necessary)

7 **Jurisdiction**

(Reason your case is being filed in federal court)

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11 **Statement of Claim:**

(State here as briefly as possible the facts of your case.)

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Statement of Claim
(continued):

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A large, empty rectangular box with a thin black border, occupying the majority of the page. It is positioned to the right of the numbered list and below the section header. This box is intended for the user to provide the details of their statement of claim.

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Relief:

(State briefly exactly what you want the court to do for you)

Jury Demand:

(Optional)

Date

Signature of Plaintiff

PROOF OF SERVICE

This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1)

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

I personally served the summons and complaint on the individual at *(place)*

_____ on *(date)* _____ ; or

I left the summons and complaint at the individual's residence or usual place of abode with *(name)*

_____, a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons and complaint on *(name of individual)* _____

who is designated by law to accept service of process on behalf of *(name of organization)*

_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

CASE NO. _____

APPLICATION FOR COURT-
APPOINTED COUNSEL

Noted for Determination on:

(Insert date of 3rd Friday after filing)

Plaintiff(s))
vs.)
Defendant(s))

MOTION

Plaintiff respectfully requests that the Court appoint counsel to represent him/her. This action seeks relief under federal statutes protecting civil rights. This is **not**, however, an employment discrimination action brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.

FINANCIAL AFFIDAVIT

Has this Court previously granted you leave to proceed in forma pauperis? _____. If such was granted in a different case in this Court, please supply the case number. _____.

(Please complete in full the attached Financial Affidavit.)

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PREVIOUS EFFORTS TO RETAIN AN ATTORNEY

Describe briefly the efforts you have already made to retain an attorney. Indicate as accurately as possible how many attorneys you have contacted, and over what period of time. You need not identify the specific attorneys, and should not indicate the reasons they declined to represent you.

MERITS OF CLAIM

Has the Equal Employment Opportunity Commission, the Washington State Human Rights Commission, or other state or federal agency officially determined whether there is reasonable cause to believe that the allegations of your complaint are true?_____. If so, please identify the agency which made the finding, and the conclusion the agency reached. _____

If there has been no such finding in your favor by a government agency, you may attach a brief statement showing why your claim has merit. Do not include exhibits or other evidence. Your statement is incorporated in this application and is subscribed under oath.

AFFIDAVIT OF SERVICE

The following is a list of all other parties, and their respective attorneys, who have appeared or answered in this action.

PARTY

ATTORNEY

_____	_____
_____	_____
_____	_____

1 I have directed a copy of this entire Application, by mail or by personal service, to the attorney
2 for each such party.

3 I, _____, plaintiff in this action, swear that I have read
4 this entire Application, including any attachments, and the Complaint. In accordance with 28 U.S.C.
5 § 1746, I declare under penalty of perjury that the foregoing information is true and correct.

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7 Executed on this _____ day of _____, _____.

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11 _____
12 Signature of Plaintiff

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15 Plaintiff's Name, Address and Telephone:
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27 Application for Court-Appointed Counsel 3



ELECTRONIC FILING REGISTRATION FORM AND ELECTRONIC FILING AGREEMENT FOR PRO SE FILERS

Please fill out a registration form for **each case** you have before the Court, so we can activate your ability to file electronically in each of your cases.

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Last Name	First Name	Middle Name
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Address		
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City	Washington State	Zip Code or Postal Code
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United States Country	Telephone Number	Case Number
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Primary E-mail Address	Backup E-mail Address (If different than Primary)	

ELECTRONIC FILING AGREEMENT

1. The CM/ECF system is to be used for filing and reviewing electronic documents, docket sheets, and notices.
2. The password issued to you by the court, combined with your login, serves as your signature under Federal Rule of Civil Procedure 11. Therefore, you are responsible for protecting and securing this password against unauthorized use.
3. If you have any reason to suspect that your password has been compromised in any way, you are responsible for immediately notifying the court. Members of the court's systems staff will assess the risk and advise you accordingly.
4. By signing this Registration Form, **you consent to receive notice electronically, and to waive your right to receive notice by personal service or first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(C), except with regard to service of a complaint and summons.** This provision does include electronic notice of the entry of an order or judgment.
5. You will continue to access court information via the Western District of Washington's internet site or through the Public Access to Court Electronic Records (PACER) system. You will continue to need a PACER login, in addition to the court-issued password. You can register for PACER at their web site: <http://www.pacer.uscourts.gov/register.html>.
6. By this registration, the undersigned agrees to abide by the rules and regulations in the most recent General Order, the Electronic Filing Procedures developed by the Clerk's Office, and any changes or additions that may be made to such administrative procedures in the future.

Signature (Type "s/" and your name)

Date Signed

You must download Adobe Reader in order to save or print this form. Visit <http://www.adobe.com>.

To E-mail Form: Save a copy of this form to your hard drive and then send it as an attachment to: cmecfreg@wawd.uscourts.gov.

To Mail Form: Print this form and mail it to **Clerk, U.S. District Court, Western District of Washington**
ATTN: ECF Attorney Registration
700 Stewart Street Suite 2310
Seattle, WA 98101

For assistance with this form, call the ECF Support Team at 1-866-323-9293