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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON

10 In Re:

11 SUMMARY OF PROCEDURAL RULES

12 (for distribution in cases where plaintiff/
13 petitioner is proceeding *pro se*)
14

GENERAL ORDER

15 The following paragraphs summarize certain local rules of the Court and other procedural
16 matters. It is intended for the benefit of plaintiff/petitioners proceeding *pro se*.

17 It is hereby ORDERED that:

18 (I) Service of Summons and Complaint

19 Except in instances where the Court has arranged for service to be effected on plaintiff's
20 behalf, plaintiff must serve the summons and complaint on each defendant/respondent within four
21 months after the filing of the complaint, in accordance with Rule 4 of the Federal Rules of Civil
22 Procedure. If service has not been made in that time, and good cause is not shown for that failure, the
23 action can be dismissed without prejudice.
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1 (2) Filing and Service of Other Court Documents

2 All original documents and papers submitted for consideration by the Court in this case, and a
3 duplicate of all such papers, are to be filed with the Clerk of this Court. The originals and copies of
4 all such papers shall indicate in the upper right-hand corner the name of the District Judge or
5 Magistrate Judge to whom the copies are to be delivered. The papers shall be accompanied by proof
6 that such documents have been served upon counsel for the opposing party or upon any party acting
7 *pro se*.

8 Service is accomplished by mailing a true and correct copy of the document to each
9 defendant/respondent's counsel. The proof of service shall show the day and manner of service and
10 may be made by certificate or acknowledgment on the document itself, or by a separate filing. If a
11 party fails to comply with this Order, the Court will disregard the submitted document.

12 (3) Motions

13 Any request for court action shall be set forth in a motion, properly filed and served. Pursuant
14 to Local Rule CR 7(b)(2002), any argument being offered in support of a motion shall be submitted
15 as a part of the motion itself and not in a separate document. The motion shall include in its caption
16 (immediately below the title of the motion) a designation of the date the motion is to be noted for
17 consideration upon the court's motion calendar.

18 Stipulated and agreed motions, motions to file over-length motions or briefs, motions for
19 reconsideration, joint submissions pursuant to the option procedure established in Local Rule CR
20 37(a)(2)(B), and motions for default judgment where the opposing party has not appeared, shall be
21 noted for consideration on the day they are filed. *See* Local Rule CR 7(d)(1)(2002). All other non-
22 dispositive motions shall be noted for consideration no earlier than the third Friday after filing and
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2 service of the motion. All dispositive motions shall be noted for consideration no earlier than the
3 fourth Friday after filing and service of the motion. *See* Local Rule CR 7(d)(3)(2002).

4 All briefs and affidavits in opposition to any dispositive motion, and to any non-dispositive
5 motion not specifically identified in the opening sentence of the preceding paragraph, shall be filed
6 and served not later than 4:30 p.m. on the Monday immediately preceding the date designated for
7 consideration of the motion. If a party fails to file and serve timely opposition to a motion, the court
8 may deem any opposition to be without merit.

9 The party making the motion may file and serve, not later than 4:30 p.m. on the judicial day
10 immediately preceding the date designated for consideration of the motion, a response to the opposing
11 party's briefs and affidavits. All motion papers must be filed and served according to paragraph (2)
12 above.

13 (4) Summary Judgment Motions

14 If defendant/respondent files a motion for summary judgement, plaintiff/petitioner is advised,
15 pursuant to *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998), and Federal Rule of Civil Procedure 56,
16 that he or she has a right to file counter-affidavits or other responsive evidentiary materials in
17 opposition to defendant/respondent's motion for summary judgment and that his or her failure to file
18 such materials may result in the entry of summary judgment against him or her. If the motion for
19 summary judgment is granted, the plaintiff/petitioner is advised that his/her case may be over. Thus,
20 if plaintiff/petitioner fails to file opposing counter-affidavits or other evidence,
21 defendant/respondent's evidence might be taken as truth, and final judgment may be entered against
22 plaintiff/petitioner without a trial. *See* Local Rule CR 7 (b)(2).
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1 (5) Direct Contact with Judge Prohibited


2 You are not to communicate directly with the District Judge or the Magistrate Judge with
3 regard to this case. All relevant information and papers are to be directed to the Clerk, with copies
4 sent to opposing counsel.


5 (6) Change of Address


6 If you are proceeding pro se (without an attorney), you must notify the Clerk and opposing
7 parties promptly if you change your address. If you fail to do so, your case may be dismissed. *See*
8 Local Rule CR 41(b)(2).
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10 (7) Lack of Action

11 All cases that have been pending in this Court for more than one year without any proceeding
12 of record having been taken may be dismissed by the Court on its own motion for lack of prosecution.
13 *See* Local Rule CR 41(b)(1).

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16 
17 Hon. J. Kelley Arnold
U.S. Magistrate Judge


Ricardo S. Martinez
U.S. Magistrate Judge

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19 
20 Monica J. Benton
21 Magistrate Judge


Hon. Karen L. Strombom
U.S. Magistrate Judge

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24 Hon. Mary Alice Theiler
25 U.S. Magistrate Judge