

# A Pro Se Guide TO FILING YOUR LAWSUIT IN FEDERAL COURT (non-prisoner)

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CLERK OF COURT



**Disclaimer:** This Guide has been compiled to assist with filing a complaint in this court. You must comply with the Local Court Rules for the Western District of Oklahoma. Copies of these rules are available at the Court Clerk's Office or at [www.okwd.uscourts.gov](http://www.okwd.uscourts.gov). You must also comply with the Federal Rules of Civil Procedure, which are available at a public library or at [www.uscourts.gov](http://www.uscourts.gov). Although court personnel are available to assist you with questions concerning procedures in our court, they CANNOT advise you on matters of law or give legal advice.

# Part One

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## GENERAL INFORMATION

**A**re you in the correct court? Before filing a case in federal court, you first need to make sure that you are filing it in the correct court. This can be especially important if you are working with a deadline for certain statutes of limitations.

Before filing your case in federal court, you may want to ask yourself the following questions:

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

If so, you are likely in the wrong court. State courts generally hear family law matters and landlord-tenant disputes. 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 benefits, other federal benefits, or a decision by a federal agency?**

If so, you are likely in the right court. However, if you are filing an appeal of the denial of benefits under 42 U.S.C. § 405(g) with regard to an individual claim (Social Security appeal), please refer to the Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g). Form complaints are available at [www.okwd.uscourts.gov/forms](http://www.okwd.uscourts.gov/forms).

### **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 federal court:

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

Federal courts hear lawsuits involving the Social Security Administration, 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 laws.**

Federal courts hear specific types of cases arising under the United States Constitution and federal laws such as employment discrimination, federal tax matters, and civil rights. Some federal law claims may duplicate state law claims.

## **3. Cases between citizens of different states.**

Lawsuits between parties residing in different states are governed by "diversity" jurisdiction. For example, if you live in Oklahoma and you file a lawsuit against a defendant who lives in Texas, the parties would be considered diverse.

If the parties are diverse and the case involves a claim of damages over \$75,000, your case may be appropriate in federal court even though it relies on state law. If you are not seeking more than \$75,000.00, or your case does not involve federal law or a federal government defendant, you may need to file your claim in state court.

## **Are your claims timely?**

The period set by law in which a lawsuit must be filed is called the "**statute of limitations.**" This period usually begins when the injury occurs or a right has been violated. If you fail to bring your claim within the timeframe allowed by a specific statute, your lawsuit may be dismissed.

## **Other issues to consider:**

Before filing your case in federal court, please be aware of the following:

### **Frivolous or harassing lawsuits**

Federal Rule of Civil Procedure 11(b) prohibits the filing of lawsuits that are clearly frivolous or filed just to harass someone. If the judge determines that you have filed a lawsuit for an improper or unnecessary reason, sanctions may be imposed against you, including ordering that you pay the legal fees of the party you sued.

### **What happens if you lose?**

The party who wins is entitled to request that the opposing party pay certain costs, including deposition transcript fees, witness fees, and copy expenses. The winning party may, in some circumstances, ask the Court to order you to pay their attorney's fees.

# Part Two

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## FILING YOUR CASE

**B**efore a judge can listen to the facts you are asserting, you must open a case in the United States District Court for the Western District of Oklahoma.

### **Rules that you must follow:**

Before you file a case, you should begin by reviewing the local and federal rules that govern the filing of a case in this court. Even though you are appearing pro se and representing yourself, the judge will expect you to be familiar with the court rules that govern the filing of a civil lawsuit in federal court.

**1.** *Federal Rules of Civil Procedure (FRCP)*

The Federal Rules of Civil Procedure govern court procedures for civil cases. A link to the federal rules can be found at [www.uscourts.gov](http://www.uscourts.gov).

**2.** *Local Civil Rules (LCvR) for the United States District Court for the Western District of Oklahoma*

This is a collection of rules written specifically for the practice of law in the United States District Court for the Western District of Oklahoma. They are in addition to the Federal Rules of Civil Procedure. Be aware that local rules differ from court to court, so you should ensure you are looking at the local rules of the Western District of Oklahoma for cases filed in this court. The Local Civil Rules (LCvR) can be found at [www.okwd.uscourts.gov/rules-procedures/local-rules](http://www.okwd.uscourts.gov/rules-procedures/local-rules).

## Papers Required to File a New Case

In order to file a new case, you will need to submit the following forms which can be found at the end of this packet or on the court's website at [www.okwd.uscourts.gov/forms](http://www.okwd.uscourts.gov/forms):

1. Civil Cover Sheet (Form 1)
2. The \$405.00 filing fee or an Application to Proceed in Forma Pauperis (IFP) (Form 3)
3. Complaint (Form 2) (additional form complaints are available at [www.okwd.uscourts.gov/forms](http://www.okwd.uscourts.gov/forms) and [www.uscourts.gov/forms/civil-forms](http://www.uscourts.gov/forms/civil-forms)).

### Civil Cover Sheet

A "Civil Cover Sheet" (JS 44) is a document that provides the court with basic information about your case. Local Civil Rule 3.1 requires that you submit a Civil Cover Sheet when you file your case. The form can be found on the court's website at [www.uscourts.gov/forms/civil-forms](http://www.uscourts.gov/forms/civil-forms) or at the end of this packet.

### Section I - Parties

I. (a) PLAINTIFFS	DEFENDANTS
(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i>	Attorneys <i>(If Known)</i>
Fill in your information	Leave blank unless filing a Notice of Removal from State Court

**Section 1(a):** Name of the plaintiff(s) (the person(s) bringing the lawsuit) and defendant(s) (the person(s) against whom the lawsuit is filed).

**Section 1(b):** Counties where the parties are located.

**Section 1(c):** Because you are appearing pro se, write your name, address, and phone number in the plaintiff's section under "Attorneys."

## **Section II – Basis of Jurisdiction**

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

- |   |   |
|---|---|
| <input type="checkbox"/> 1 U.S. Government<br>Plaintiff | <input type="checkbox"/> 3 Federal Question<br>(U.S. Government Not a Party)          |
| <input type="checkbox"/> 2 U.S. Government<br>Defendant | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |
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This section will let the court know what type of case you are filing.

1. Government – Plaintiff. This box does not apply to you, it is only for government use.
2. Government – Defendant. Mark this box if you are filing a case against a federal agency or the United States government.
3. Federal Question. Mark this box if your case is about a federal law.
4. Diversity. Mark this box if the defendant(s) live in another state **and** your case involves a claim valued over \$75,000. (Do not check this box if the defendant is the federal government or a federal agency).

## **Section III – Citizenship of Principal Parties**

<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)					
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>
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

This section is only used if you marked "**Diversity**" in Section II. Diversity refers to cases where the parties involved are from different states or countries. Pick the correct box where the plaintiff (PTF) and defendant (DEF) are located.

## Section IV – Nature of Suit

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions](#).

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 (Excludes 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	<b>PERSONAL INJURY</b> <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 - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management 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 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DFWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <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	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS		
<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	<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	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <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	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<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	
			IMMIGRATION		
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

In this section, you must choose one box that most closely represents what your case is about. **You cannot choose multiple boxes.**

## Section V – Origin

V. ORIGIN (Place an "X" in One Box Only)						
<input checked="" 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

This section has seven options. Origin number one (1), "Original Proceeding," is frequently chosen as it means you are filing a new lawsuit.

However, if you are a defendant in a state court action and are removing an action to the Western District from state court to federal court, you will choose (2), "Removed from State Court."

## Section VI – Cause of Action

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:

In this section, cite the federal civil statute under which you are proceeding and provide a brief statement explaining what your case is about. For example, violation of civil rights, employment discrimination, etc.

## **Section VII – Requested in Complaint**

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

Fill in the spot with your monetary demand and mark whether your complaint includes a jury demand.

## **Section VIII – Related Case(s) If Any**

This section asks if there are any federal cases related to your complaint. If you have prior cases with the same defendant(s) in this or any other federal court, include the name of the judge(s) and case number(s).

VIII. RELATED CASE(S)  
IF ANY

(See instructions):

Complete only if you've had prior cases in this court

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

In addition, because you are appearing pro se, you must also **sign and date** in the box that says, "Signature of Attorney of Record."

## **Filing Fees or Filing an Application to Proceed in Forma Pauperis (IFP)**

The fee to file a case in federal court is \$405.00. (Filing fee \$350.00 plus \$55.00 administrative fee).

If you cannot afford to pay the \$405.00, you can apply to have the fee waived or deferred, which means that your case will proceed without prepayment of the filing fee. You must submit an "**Application to Proceed in Forma Pauperis**," commonly referred to as an "**IFP**," at the same time that you file your complaint.

It is very important to fill out this form completely and accurately as the judge will use this information to determine if you have the financial ability to pay the fees for filing your case. You must also include information about your spouse, if applicable. A copy of the court's decision will be mailed to you at the address provided on the complaint. If your application is denied, you will have 21 days, unless a different time is specified by the Court, to pay the filing fee. (See LCvR 3.3(e)).

The Application to Proceed in Forma Pauperis (IFP) form can be found in the attachments at the end of this packet or at [www.okwd.uscourts.gov/forms](http://www.okwd.uscourts.gov/forms) "Application to Proceed Without Prepaying Fees or Costs."



## Complaint

In addition to the Civil Cover Sheet and the filing fee, to begin a lawsuit in federal court you must file a document called a "**Complaint.**" A complaint is a legal document that describes why you believe the defendant(s) violated the law and what you want the court to do about it.

When pursuing your case in the United States District Court for the Western District of Oklahoma, you must:

1. Use the complaint form attached to this packet or one of the forms available at [www.uscourts.gov](http://www.uscourts.gov).
2. Type or neatly handwrite all documents in blue or black ink (no pencil) on white, 8½ x 11 paper. Do not write on both sides of the paper. In addition, you must include your name, address, and phone number on each document submitted.
3. Explain in the body of the complaint form what happened, where it happened, when it happened, how it happened, and who was involved. Be as detailed as possible.
4. Redact certain information from the Complaint and any exhibits or subsequent filings, specifically:
  - Names of minor children (redact to initials) (i.e. J.D.)
  - Social security numbers (redact to last 4 digits or remove entirely)
  - Financial account numbers (redact to last four digits)
  - Taxpayer-identification numbers (redact/remove entirely)
  - Date of Birth (year only)
5. Sign and date the Complaint and all subsequent filings.

You may choose to supplement your complaint with one or more "**exhibits.**" An exhibit is a document, record, or other paper, for example a photograph, that a party intends to introduce as evidence.

## How and Where to file your complaint

### 1. In Person

You may present your documents for filing at the William J. Holloway, Jr. United States Courthouse, located at 200 N.W. 4<sup>th</sup> Street, in Oklahoma City. You will need a form of identification to enter the building. When you arrive, a deputy clerk will review your documents to make sure the required forms have been filled out correctly and then assign a case number and judge to your case.

The Clerk's Office is open to the public Monday through Friday, excluding federal holidays, from 8:30 a.m. to 4:30 p.m. Phones are answered by staff from 8:00 a.m. to 5:00 p.m. and the number is (405) 609-5555.

### 2. By Mail

Alternatively, you may mail your documents to this address:

Clerk of Court  
U.S. District Courthouse  
200 NW 4<sup>th</sup> St. Room 1210  
Oklahoma City, OK 73102

## What does the Clerk's Office do with the case?

If you are **paying** the filing fee when you present your documents, the Clerk's Office will:

1. File-stamp the originals with the date the documents were received;
2. Randomly assign a case number and judge; and
3. Issue summons, if requested. (Summons are discussed below)

If you are requesting that the filing fee be **waived or deferred** by submitting an Application to Proceed in Forma Pauperis (IFP), the Clerk's Office will:

1. File-stamp the originals with the date the documents are received and
2. Randomly assign a case number and judge.

Summons will not be issued until the judge enters an order on the Application to Proceed in Forma Pauperis (IFP). If your IFP application is **granted**, you may bring or mail a Pro Se Litigant's Request for Issuance of Summons (Form 5) and

summons to the Clerk's Office to be issued. If your IFP application is **denied**, you will receive an order with instructions as to when the filing fee must be paid. If the filing fee is not paid by the date ordered by the judge, your case may be dismissed.

### **Options for paying court fees:**

The Clerk's Office accepts the following forms of payment:

- Credit Card (Visa, MasterCard, American Express and Discover)
- Personal checks, cashier checks and money orders made payable to: "Clerk, United States District Court"
- Cash (cash should **NOT** be submitted by mail)

### **Summons**

A "**Summons**" is a document that demands that the defendant(s) respond to your complaint in writing. You must fill out the required fields on the summons form before submitting it to the court.

If you are appealing the denial of Social Security benefits under 42 U.S.C. § 405(g), pursuant to Rule 3 of the Supplemental Rules for Social Security Decisions under 42 U.S.C. § 405(g), the Court will notify the Commissioner of the suit and you need not serve a summons and complaint.

Once the filing fee has been paid or the Application to Proceed in Forma Pauperis (IFP) has been granted, the Plaintiff should complete the "**Pro Se Litigant's Request for Issuance of Summons**" and provide it to the Clerk's Office. A deputy clerk will sign and adhere the court's seal to each summons. A blank form for this can be found at the end of this packet (Form 5) or on the court's website at [www.okwd.uscourts.gov/forms](http://www.okwd.uscourts.gov/forms).

The Clerk's Office will not accept summons until the filing fee has been paid or permission to proceed in forma pauperis status has been granted.

After summonses have been issued and the defendant(s) have received a copy of the complaint and accompanying documents (See Part 3, Service of Summons and Complaint), you must file a document called "**Proof of Service**," which can be found on page two of each summons form. This document acts as evidence that the defendant(s) have been properly served.

The summons form can be found attached to this packet (Form 4) or on the court's website at [www.okwd.uscourts.gov/forms](http://www.okwd.uscourts.gov/forms). Additional information about summonses is in Part Three of this packet.

# Part Three

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## SERVICE OF SUMMONS AND COMPLAINT

### What does service mean?

**Y**ou are required to let the defendant(s) know that you have filed a case against them in federal court. Once you have paid the filing fee or the judge has granted your IFP Application, you may request that the Clerk's Office issue summons to each defendant listed on your complaint. The stamped summons form will then be returned to you for service on the defendant(s).

It is your responsibility to ensure that each defendant receives a copy of the certified summons form, a copy of your complaint, and any other documents. This process is called "**service**" or "**serving the defendant.**"

The rules for serving the original complaint are different from the rules for serving other papers. If the complaint is not properly served on the defendants your case may not proceed. The requirements for serving the complaint are set forth in Rule 4 of the Federal Rules of Civil Procedure.

### How should summons be presented?

Once the filing fee has been paid or the court grants your IFP Application, you may submit completed summons forms to the Clerk's Office for signature and application of the court seal, as established by FRCP 4(b). Summons must be presented on the court's form which can be found at the end of this packet (Form 4) or on the court's website at [www.okwd.uscourts.gov/forms](http://www.okwd.uscourts.gov/forms). You must also submit a "**Pro Se Litigant's Request for Issuance of Summons.**" A blank form for this can be found at the end of this packet (Form 5) or at [www.okwd.uscourts.gov/forms](http://www.okwd.uscourts.gov/forms).

### Who must be served?

Every defendant named in your complaint must be served. Defendants who are not served within the required time limit may be dismissed from your case. The Clerk's Office can only issue summons for parties named as defendants on the complaint.

## Who serves the documents?

You are responsible for arranging to have the summons, complaint, and supporting documents served on the defendants within the timeframe allowed by Rule 4.

**If** you are granted IFP status, the judge will order the U.S. Marshals Service to serve the summons and complaint on your behalf. However, a court order is necessary to obtain service of process by the U.S. Marshals without payment.

If you want the U.S. Marshals to serve your complaint and summons you must provide the following to the Clerk's Office, which will forward the papers to the Marshals:

- 1 copy of the order granting IFP status
- 1 USM-285 (form 6) **for each** defendant<sup>1</sup>
- 1 copy of the complaint **for each** defendant
- 2 copies of the summons **for each** defendant.

## How does the court know when summons have been served?

FRCP 4(*l*) requires that the party who serves the summons and complaint complete the Proof of Service section on the back of the summons form. The original must then be filed with the court.

## The Alternative to Service: Waiver by Defendant(s)

You may notify non-government defendant(s) of the commencement of the lawsuit by sending a "NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS" along with a copy of the complaint by first-class mail or other reliable means. You must also include a copy of the WAIVER OF SERVICE OF SUMMONS and a self-addressed return envelope. See FRCP Rule 4(d). If service is waived by the defendant, the Waiver of Service form is returned to the plaintiff, who files it with the Court. Thereafter, the action may proceed. If the defendant does not waive service, the plaintiff must proceed with service of process.

If you are suing the United States (and its agencies, corporations, or officers) or a state, local or foreign government, you CANNOT use this method and you MUST arrange for service of process as set forth above.

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<sup>1</sup> The Marshals cannot serve process to a post office box; you must use a street address. The Marshals cannot serve John or Jane Doe Defendants. If you are not proceeding IFP the USMS will serve process for you, but you must pay for the service.

# Part Four

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## FILING DOCUMENTS AFTER CASE IS FILED

Once your case has been filed, you will need to familiarize yourself with the rules regarding how documents are to be submitted. These rules can be found in the Local Civil Rules for United States District Court for the Western District of Oklahoma and the Federal Rules of Civil Procedure.

The judge assigned to your case may have specific requirements for document presentation. You can find this information on his or her web page on the court's website. The web page for each judge, along with links to the Local Civil Rules can be found at [www.okwd.uscourts.gov](http://www.okwd.uscourts.gov).

Once your case has been opened, you must file all documents in paper form in the format set forth in applicable rules. In addition, you must serve the defendant(s) with copies of all documents filed, as required by Rule 5 of the Federal Rules of Civil Procedure.

The Clerk's Office can assist you to a certain extent, but as stated throughout this manual, we are not allowed to provide legal advice. If you have questions about whether you should do something, please consult with an attorney.

### Format of documents

All documents must be submitted on 8½ x 11-inch white paper and be typed or neatly handwritten. If you submit pleadings in writing, you must use black or blue ink (no pencil) and write legibly on one side of the paper only. Do not write on both sides of the paper. You must also include your name, address, and phone number on each document submitted.

### Motions

If you want to request that the judge take action of some kind, such as rule in your favor on an issue or extend a deadline, you must file a written motion requesting that relief.

Motions must be filed in paper and served on all parties. For most motions, the opposing party can file a response and the party who filed the motion can then file a reply.

## **Sealed documents**

If you would like to file a document that you want sealed from public view, you must first seek permission from the judge. The request must be submitted in the form of a motion to seal and include a proposed order.

## **Change of address**

Pursuant to LCvR 5.4(a), you must file a **written** notice within ten days of a change in mailing address or telephone number. (See Form 6). All subsequent filings must reflect the new contact information. If the court does not have your current address and phone number, you may miss important information and deadlines outlined in a court order.

# Part Five

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## **WHAT HAPPENS AFTER THE CASE IS FILED?**

**E**ach case is unique and may not follow the steps outlined below. This information is intended as a general guideline and not as the schedule for your particular case. The court will communicate with you regarding upcoming hearings or deadlines; frequently the communication will be in writing.

### **Case assignment**

Once the required documents are submitted, the Clerk's Office will randomly assign a case number and judge to your case. You cannot request that a particular judge be assigned to your case. Once a case number has been assigned it is very important that you write that case number on all documents filed with the court or it may result in a delay in processing.

If your case has been assigned to a district court judge, he or she may refer your case to a magistrate judge to handle different stages of your case leading up to trial.

After your case has been assigned, there are several ways you can obtain

information about your case.

1. Review your case in person at the public computer terminals located at the Courthouse. The public area is open Monday through Friday, excluding federal holidays, from 8:30 a.m. to 4:30 p.m.
2. Review your case on PACER.gov, as explained in more detail below.
3. Contact the Clerk's Office at (405) 609-5555.

## **Defendant's Answer**

If a defendant responds to the complaint by filing an answer or a motion, the case will then proceed to the pretrial stage.

If a defendant does not file an answer within the timeframe required by law, you may ask the court to enter an order of default and default judgment, pursuant to Federal Rule of Civil Procedure 55.

## **Discovery**

**"Discovery"** is the pretrial process by which each party acquires potential evidence from the opposing party via written interrogatories, depositions, and demands to produce documents. Discovery documents are rarely, if ever, filed with the court. The discovery period always comes after the filing of the answer by the defendant(s) and before the first day of the trial. In most cases, the Court will issue a Scheduling Order which sets forth a timetable with deadlines the parties must follow for discovery and the filing of motions.

## **Dispositive Motions**

During the case, any party may file a **"dispositive motion,"** as set forth in Federal Rules of Civil Procedure 12 and 56. Dispositive motions ask the court to terminate one or more of the claims in favor of the moving party without further court proceedings.

## **Judgment**

**If you win the case by default, or at trial,** the judge will direct the Clerk's Office to enter a judgment indicating the amount of damages, if any, you have been awarded. The judgment will include the exact amount, in dollars and cents, and which defendant owes you money.



**If you lose at trial or by summary judgment**, the judge will direct the Clerk's Office to enter a judgment stating that the defendant does not owe you any damages. The defendant may also request that the judge order you to pay costs and attorney's fees associated with defending the case.

## **Notice of Appeal**

If you are not satisfied with the outcome of your case, you may file an "**appeal**," which is an application to a higher court for a reversal of the decision made by a judge or jury in a lower court. Appeals in this court fall within the jurisdiction of the United States Court of Appeals for the Tenth Circuit. Time limits associated with filing an appeal are found in Rule 4 of the Federal Rules of Appellate Procedure.

To file an appeal, you must file a "**Notice of Appeal**" with the Clerk's Office. The Notice of Appeal form can be found on the court's website at [www.okwd.uscourts.gov/forms](http://www.okwd.uscourts.gov/forms).

Information about the Tenth Circuit Court of Appeals can be found on its website at [www.ca10.uscourts.gov](http://www.ca10.uscourts.gov) or by calling them directly at (303) 844-3157.

# Part Six

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## **PACER (Public Access to Court Electronic Records)**

**P**ublic Access to Court Electronic Records (PACER) is an electronic public service database that allows users to obtain case and docket information from the U.S. Appellate Courts, U.S. District Courts, and U.S. Bankruptcy Courts.

Electronic access is available by registering with the PACER Service Center, the judiciary's centralized registration, billing, and technical support center. More information can be found on its website at [www.pacer.gov](http://www.pacer.gov) or by calling (800) 676- 6856.

Registering for a PACER account will enable you to:

- View documents filed in your case and other cases in U.S. Courts across the nation.

- Run a docket activity report for your case.

**NOTE:** There is a fee for using PACER. Additionally, PACER will not allow you to file documents in your case. It is only designed for viewing documents that have been previously filed with the U.S. District Courts, U.S. Appellate Courts, and U.S. Bankruptcy Courts.

You may view documents filed in this court without creating a PACER account by appearing in person at the Court Clerk's Office at the courthouse during regular business hours.

## Part Seven

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### **What the Clerk's Office can and cannot do**

Although the Clerk's Office can answer many filing questions, we are legally prohibited from providing legal advice.

#### **We can:**

- Answer general questions about how the court works, including providing you with the required forms to open a new case.
- Provide general information about court procedures and practices.

#### **We cannot:**

- Give legal advice. This policy applies to all parties, including attorneys.
- Tell you whether you should file a new case or what words you should use in your court pleadings.
- Talk to the judge for you or let you talk to the judge outside of court.
- Calculate deadlines in your case or explain orders entered by the court.
- Interpret the Federal Rules of Civil Procedure (FRCP) or Local Civil Rules (LCvR).

- Tell you what documents you should file.
- Predict how or when the judge might rule on your case.

## SAMPLE FORMS and LIMITATIONS

- In General** This and the other forms available at [www.uscourts.gov](http://www.uscourts.gov) merely illustrate some types of information that is useful to have in complaints and some other pleadings. The forms do not cover every type of case. They are limited to types of cases often filed in federal courts by those who represent themselves or who may not have much experience in federal courts.
- Not Legal Advice** No form provides legal advice. No form substitutes for having a lawyer. If you are not a lawyer and are suing or have been sued, it is best to have or consult a lawyer if possible.
- No Guarantee** Following a form does not guarantee that any pleading is legally or factually correct or sufficient.
- Variations Possible** A form may call for more or less information than a particular court requires. The fact that a form asks for certain information does not mean that every court requires it. If the form does not ask for certain information, a particular court might still require it. Consult the rules and caselaw that govern the court where you are filing the pleading.
- Examples Only** The forms do not try to address or cover all the different types of claims or defenses, or how specific facts might affect a particular claim or defense. Some of the forms are multi-use, but some apply only to specific types of cases. Carefully choose the form that fits your case and the type of pleading you want to file. It is your responsibility to change the information the form asks for to fit the facts and circumstances of your specific case.
- No Guidance on Timing or Parties** The forms do not give any guidance on when various pleadings, claims, or defenses should be filed, or who should be sued. Some pleadings, claims, or defenses are time restrictive, but neither the forms nor the Clerk's Office can provide this information. There are limits to who can be named as a party in a case and when they can be added. Lawyers and people representing themselves must know the Federal Rules of Civil Procedure and the caselaw setting out these and other requirements.
- Privacy Requirements** Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns over public access to electronic court files. Papers filed with the court should not contain anyone's full Social Security number or full birth date, the name of a person known to be a minor, or a complete financial account number. A filing may include only the last four digits of a Social Security number or taxpayer identification number, the year of someone's birth, and/or the last four digits of a financial account, or the initials of a minor.

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)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 210 Land Condemnation, 310 Airplane, 440 Other Civil Rights, 463 Alien Detainee, 625 Drug Related Seizure, 710 Fair Labor Standards, 820 Copyrights, 870 Taxes, 375 False Claims Act, etc.

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 - Transfer, 8 Multidistrict Litigation - Direct File

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 RULE 23, F.R.Cv.P. 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.Cv.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; **NOTE: 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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- 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.  
 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- 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 actual dollar amount 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

for the

Western District of Oklahoma

) Case No. \_\_\_\_\_  
)  
) (to be filled in by the Clerk's Office)

\_\_\_\_\_  
Plaintiff(s)  
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

) Jury Trial: (check one)  Yes  No

-v-

\_\_\_\_\_  
Defendant(s)  
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR A CIVIL CASE

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and County \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_

#### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

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Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

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Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

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Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

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**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

- Federal question                                       Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

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**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.  
Or is incorporated under the laws of *(foreign nation)* \_\_\_\_\_, and has its principal place of business in *(name)* \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

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### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

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### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_

Signature of Plaintiff \_\_\_\_\_

Printed Name of Plaintiff \_\_\_\_\_

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Street Address \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_



3. Amount of money that I have in cash or in a checking or savings account: \$ \_\_\_\_\_ .

4. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name  
*(describe the property and its approximate value)*

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5. Any housing, transportation, utilities, loan payments, or other regular monthly expenses  
*(describe the amount of the monthly expense)*

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6. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

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7. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*

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I understand that a false statement or answer to any question in this declaration could subject me to penalties of perjury and/or may result in the dismissal of all my claims pursuant to 28 U.S.C. § 1915 (e)(2)(A).

Date: \_\_\_\_\_

\_\_\_\_\_  
*(Applicant's signature)*

\_\_\_\_\_  
*(Printed name)*

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

Plaintiff(s),

v.

Case No.

Defendant(s).

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) - or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) - you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

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

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

' I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

' I left the summons 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 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 \$ 0.00 .

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:

**Print**

**Save As...**

**Reset**

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

\_\_\_\_\_)  
 \_\_\_\_\_) )  
 \_\_\_\_\_) )  
 vs. Plaintiff(s) ) Case No. \_\_\_\_\_  
 \_\_\_\_\_) )  
 \_\_\_\_\_) )  
 \_\_\_\_\_) )  
 Defendant(s) )

**PRO SE LITIGANT'S REQUEST FOR ISSUANCE OF SUMMONS**  
(Required by LCvR 3.1)

TO THE CLERK OF SAID COURT: Please issue summons in this case for the persons listed below.

Name of Defendant(s)	Service Agent (if any)	Address for Service	Type of Service

\_\_\_\_\_  
Name of Plaintiff (Please Type or Print)

\_\_\_\_\_  
Signature (Plaintiff)

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Street or Mailing Address

\_\_\_\_\_  
City & State Zip Code



**PROCESS RECEIPT AND RETURN**

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF	COURT CASE NUMBER
DEFENDANT	TYPE OF PROCESS

**SERVE AT** { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285
	Number of parties to be served in this case
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service*):

Signature of Attorney other Originator requesting service on behalf of:  <input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
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**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. <i>(Sign only for USM 285 if more than one USM 285 is submitted)</i>	Total Process _____	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
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I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (*See remarks below*)

Name and title of individual served ( <i>if not shown above</i> )	Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
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Address ( <i>complete only different than shown above</i> )	Signature of U.S. Marshal or Deputy
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Costs shown on [attached USMS Cost Sheet](#) >>

REMARKS

## **INSTRUCTIONS FOR COMPLETING USM-285, PROCESS RECEIPT AND RETURN**

- The Form USM-285 is a five-copy form set designed as a control document for process served by a U.S. Marshal or designee. Process may include, but is not limited to, a summons and complaint, subpoena, writ, or court order. The United States Marshals Service (USMS) is authorized by law (28 U.S.C. § 1921) to charge fees for the service of process. The amount of fees charged is established by regulation (28 C.F.R. §0.114). Except in cases where the litigant has been granted permission by the court for waiver of prepayment of fees and costs, the USMS must request advance payment of the estimated fees and expenses for service of process.
- Please type or print legibly. Submit one copy of the Form USM-285 and one copy of each process for each individual, company, corporation, government agency, etc., to be served or property to be seized.
- In cases where the court has directed the USMS to effect service of a summons and complaint upon an officer or agent of the United States Government, submit a copy of the summons and complaint and Form USM-285 for each officer or agent upon whom service is desired. Submit two (2) additional copies of the summons and complaint for service upon the Government of the United States. The U.S. Marshal or designee will serve one copy upon the U.S. Attorney and will forward the other copy to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or designee certifies service on the U.S. Attorney and the U.S. Attorney General, regardless of whether other defendants on the summons were served). Failure to provide sufficient copies will delay service of the summons.
- Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the USMS in expediting service. You are responsible for providing accurate and sufficient information that will identify the individual or entity to be served or the property to be seized.
- If more than one item of process and Form USM-285 is submitted on a single case, the U.S. Marshal or designee will receipt for all of them on the first Form USM-285. You will receive for your records the "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the process is served, you will receive the "Notice of Service" copy. This copy will be identical to the return to the Clerk of the U.S. District Court.
- Upon completion of all services, you will receive a "Billing Statement" copy of Form USM-285. You should return this "Billing Statement" copy to the USMS, together with your payment, in the form of a certified or bank check payable to the U.S. Marshal, for any amounts still owed. Alternatively, the USMS will accept cash. The USMS will not accept personal checks.