

# A Pro Se Guide

## TO FILING YOUR LAWSUIT IN FEDERAL COURT

**CARMELITA REEDER SHINN**  
CLERK OF COURT

**WILLIAM N. PIGOTT, JR.**  
CHIEF DEPUTY



### **Disclaimer:**

The following instructions have 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 this court, they CANNOT advise you on matters of law or give legal advice.

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# Part One

## BEFORE YOU FILE YOUR CASE

**A**re you in the correct court? Before filing a case, you first need to make sure 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 (see page 4).

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.

### **Types of Cases Filed in Federal Court**

Federal courts are courts of limited jurisdiction. There are three types of cases that you may file in federal court:

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

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 damages at sea, federal tax matters and other areas. Some federal laws may duplicate some state laws, such as civil rights matters.

**3. Cases where parties reside in 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 "diverse" and so diversity jurisdiction may apply.

Diversity cases must involve a claim of damages over \$75,000. If you are not seeking more than that amount, or your case does not involve federal law or a federal defendant, you may need to file your case in state court.

## Are Your Claims Timely?

The period of time set by law in which a lawsuit must be filed is called the “**statute of limitations**.” This period of time usually begins when the injury occurs or a right has been violated. If you do not file your case within the time frame 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

The Federal Rules of Civil Procedures, FRCP 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 you to pay the legal fees of the party you sued.

### What happens if you lose?

If you lose your case, the winning party may ask that you be ordered to pay attorney fees. The winning party is also entitled to seek certain costs that were incurred during the lawsuit. These costs can include deposition transcript fees, witness fees, copy expenses, etc. These fees may add up to thousands of dollars. It is very common for a winning party to seek costs from the losing party.

# Part Two

## FILING YOUR CASE

**B**efore a Judge can listen to the facts you are contesting, you must begin by opening a case in United States District Court, Western District of Oklahoma.

### Rules 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 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 (FRCP) 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, Western District of Oklahoma

This is a collection of local rules that are written for the practice of law in the United States District Court, Western District of Oklahoma. They are in addition to the federal rules. Be aware that local rules differ from court to court, so you should refer to the local rules of the Western District of Oklahoma in cases filed in this court.

The Local Civil Rules (LCvR) and Federal Rules of Civil Procedures (FRCP) can be found on the court's website at [www.okwd.uscourts.gov/rules-procedures/local-rules/](http://www.okwd.uscourts.gov/rules-procedures/local-rules/).

### Required Forms 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/). It is important that you complete the correct complaint form depending on the type of case you are filing.

1. Complaint ([Sample 1](#))
2. Civil Cover Sheet ([Sample 2](#))
3. Application to Proceed Without Prepaying Fees or Costs, if applicable. ([Sample 3](#))

### Complaint

To begin a lawsuit in federal court, you must first 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.

To file your complaint in United States District Court, Western District of Oklahoma, you must follow the procedures below.

1. Use the complaint form attached to this packet ([Sample 1](#)). Prisoner complaint forms are available on our website at [www.okwd.uscourts.gov/forms/](http://www.okwd.uscourts.gov/forms/) or can be mailed by the Clerk's Office upon request.
2. Pursuant to [LCvR5.2](#), documents must be typed or neatly handwritten on white, 8½ x 11-inch 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. In the body of the complaint form, you will explain what happened, where it happened, when it happened, how it happened and who was involved, and what you want the court to do (the relief requested). Provide only relevant information.
4. You may also choose to supplement your complaint with an "exhibit." An exhibit is a document, record or physical object (i.e., a photograph) introduced as evidence by a party to a lawsuit. Refer to Electronic Filing Policies and Procedures Manual Section II.A.4(a) for further details on correct styling of exhibits. This manual can be requested from the Clerk's Office or found at <https://www.okwd.uscourts.gov/rules-procedures/local-rules/>

5. The following personal identifiers must be redacted or removed from any document before it can be filed, as established by LCvR 5.2.1(a).
  - Dates of birth (only use year of birth)
  - Names of minor children (only use initials)
  - Social security numbers (only use last four digits)
  - Financial account numbers (only use last four digits)
  - Taxpayer identification numbers (only use last four digits)
  - Passport ID numbers (redact/remove entirely)
  - Driver license numbers (redact/remove entirely)
6. **All pleadings and motions must be dated and signed with a handwritten signature, as established by FRCP 11(a).**

## Civil Cover Sheet

A “**Civil Cover Sheet**” is a document that provides the court with basic information about your case. A Civil Cover Sheet must be submitted when you file your case, as established by LCvR3.1 and can be found on the court’s website at <http://www.okwd.uscourts.gov/forms/> or at the end of this packet ([Sample 2](#)).

### Section I - Parties

<p><b>I. (a) PLAINTIFFS</b></p> <p><b>(b)</b> County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p><b>(c)</b> Attorneys <i>(Firm Name, Address, and Telephone Number)</i></p>	<p><b>DEFENDANTS</b></p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f0e0; padding: 5px; display: inline-block;">           Fill in your information         </div>	<div style="border: 1px solid black; border-radius: 10px; background-color: #e0f0e0; padding: 5px; display: inline-block;">           Leave blank unless filing a Notice of Removal from State Court         </div>

Section 1(a): Name of the plaintiff(s) and defendant(s). Section 1(b): Counties where the parties are located.

Section 1(c): Since you are appearing pro se, write your name, address and phone number in the plaintiff’s section under “Attorneys *(Firm Name, Address, and Telephone Number)*”.

**Section II – Basis of Jurisdiction**

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

This section will let the court know what type of case you are filing.

1. U.S. Government – Plaintiff. This box does not apply to you as it is only for government use.
2. U.S. 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 and the U.S. Government is not a party.
4. Diversity. Mark this box if the defendant(s) live in another state and are not the federal government and if your case involves a claim valued over \$75,000.

**Section III – Citizenship of Principal Parties**

<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i>					
<i>(For Diversity Cases Only)</i>					
	<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 <i>(Place an "X" in One Box Only)</i>			Click here for: <a href="#">Nature of Suit Code Descriptions.</a>		
<b>CONTRACT</b> <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>TORTS</b> <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	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>OTHER STATUTES</b> <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 Constitutional of State Statutes
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <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>PRISONER PETITIONS</b> <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	<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	<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/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

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**

<b>V. ORIGIN</b> <i>(Place an "X" in One Box Only)</i>						
<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 <i>(specify)</i>	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File

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

However, if you are filing a case that was originally filed in state court and you want to remove it to federal court, you will choose (2) "Removed from State Court."

**Section VI – Cause of Action**

<b>VI. CAUSE OF ACTION</b>		Cite the U.S. Civil Statute under which you are filing <i>(Do not cite jurisdictional statutes unless diversity)</i> :
		Brief description of cause:

In this section, you will provide a brief statement explaining what your case is about. For example, violation of civil rights, employment discrimination, etc.



(Civil Cover Sheet Cont.)

## **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

In this section, you must fill in the demand amount and indicate whether you request a jury trial. If this is not a class action lawsuit, leave that box unchecked.

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

VIII. RELATED CASE(S) IF ANY (See instructions): Complete only if you've had prior cases in this court JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

This section asks if there are any related federal cases 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). In addition, because you are appearing pro se, you must also sign and date in the box that says, "Signature of Attorney of Record."

DATE \_\_\_\_\_ SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

## **Application to Proceed Without Prepaying Fees or Costs**

The fee to file a case in federal court is \$402.00.

If you cannot afford to pay the filing fee, you can apply to proceed without prepayment of the filing fees, or *in forma pauperis*. You must submit an "**Application to Proceed in District Court Without Prepaying Fees or Costs**," commonly referred to as an "**IFP**," at the same time 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 filing fee. **Any false statement or answer on this form could subject you to the penalty of perjury and/or dismissal of the complaint.** 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. Summonses will not be issued or accepted by the Clerk's Office until the IFP has been granted or the filing fee has been paid. If your application is denied, you will have 21 days, unless a different time is specified by the court, to pay the filing fee or the initial payment if a payment plan is ordered. (See [LCvR3.3\(e\)](#)). If the IFP is granted, you may obtain service of process by the US Marshals Service (USMS) Office without payment of the fee. Refer to the [Summons and Service Packet](#) for requirements of using the USMS office to serve process.

The IFP form can be found at the end of this packet ([Sample 3](#)) or on the court's website at [www.okwd.uscourts.gov/forms/](http://www.okwd.uscourts.gov/forms/).

## Summons

A “**Summons**” is a document which 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. Once the filing fee has been paid or the Application to Proceed In Forma Pauperis (IFP) has been granted, the Clerk’s Office will sign and place the court’s seal on each summons submitted. The Clerk’s Office will not accept summons until one of the two aforementioned payment methods have occurred.

After summonses have been issued and the defendant(s) have received and been “served” a copy of the complaint and accompanying documents, you must file a document called “Proof of Service,” which can be found on page two of each summons form. This document will act as evidence that the defendant(s) have been properly served. **Please refer to our [Summons and Service Packet](#)** for additional information.

Before summons can be issued, you must file a “**Pro Se Litigant’s Request for Issuance of Summons.**” A blank form for this and summons can be found on the court’s website at [www.okwd.uscourts.gov/forms/](http://www.okwd.uscourts.gov/forms/) .

## Where to File Your Complaint

1. **In Person:** The Clerk’s Office is located on the first floor of the William J. Holloway, Jr. United States Courthouse, 200 N.W 4<sup>th</sup> St. Oklahoma City. You will need to bring photo identification with you and pass through security to get to the Clerk’s Office. When you arrive, the Clerk will review your documents to make sure the required forms have been filled out correctly and then randomly assign a case number and Judge to your case.

The Clerk’s Office is open to the public Monday through Friday from 8:30 a.m. to 4:30 p.m. Phone lines are answered by staff from 7:30 a.m. to 5:00 p.m.

2. **Mail:** You can mail your documents to the address found below.

William J. Holloway, Jr.  
United States Courthouse  
200 NW 4th St. Room 1210  
Oklahoma City, OK 73102  
(405) 609-5000

## What does the Clerk’s Office do with the case information?

If you are **paying** the filing fee, the Clerk’s Office will:

1. File-stamp the originals with the date the documents are received.
2. Randomly assign a case number and Judge.
3. Issue summons, if requested.

If you are requesting that the filing fee be **waived** by submitting an IFP, the Clerk's Office will:

1. File-stamp the Complaint and the IFP with the date the documents are received.
2. Randomly assign a case number and Judge.

Summons will not be issued until the Judge enters an order on the IFP. If your IFP application is **granted**, you may bring or mail summons to the Clerk's Office to be issued. If your IFP application is **denied**, you will receive an order telling you when the filing fee must be paid.

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

- Visa, MasterCard, American Express, and Discover cards.
- Personal checks, cashier checks, and money orders.
- Cash.

## **What the Clerk's Office Can and Cannot Do**

Although the Clerk's Office can answer most 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.
- Compute 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.

**After your case has been assigned, there are several ways you can obtain information about your case.**

- Contact the Clerk's Office at (405) 609-5555.
- Review your case in person at the public computer terminals located at the Courthouse. The public area is open Monday through Friday, 8:30 a.m. to 4:30 p.m.
- Review your case on [PACER.gov](https://www.pacer.gov).

# Part Three

## 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 U.S. Appellate Courts, U.S. District Courts and U.S. Bankruptcy Courts. Electronic access is available by registering with the PACER Service 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 sheet for your case.

**NOTE: Pursuant to the ECF Policy and Procedures Manual Section I.A.1, Pro Se litigants are not allowed to file electronically without permission from the presiding Judge.**

# Part Four

## FILING DOCUMENTS AFTER THE CASE IS OPENED

**O**nce your case has been opened, you will need to familiarize yourself with the Local Civil Rules (LCvR) for United States District Court, Western District of Oklahoma and the Federal Rules of Civil Procedure (FRCP). The Judge assigned to your case may also have specific requirements for document presentation. You can find this information on the court's website 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 addition, you must serve the defendant(s) with copies of all documents filed, as established by FRCP 5. 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**

Pursuant to LCvR5.2, 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 write legibly on one side of the paper only. Do not write on both sides of the paper. You must also include your printed name, signature, 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 can 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. Refer to [LCvR7.1](#) for further requirements and guidelines.

## **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 pursuant to the [ECF Policies and Procedures Manual Section III\(A\)](#).

## **Change of Address**

Pursuant to [LCvR5.4\(a\)](#) a written notice must be filed within 10 days of a change in mailing address or telephone number. All subsequent pleadings, motions or other documents filed must reflect the new contact information (see [Sample 4](#)). If the court does not have your current address and phone number, you may miss important information and deadlines outlined in a court order.

## **Certificate of Service**

Proof of service of any papers required to be served shall be made by the certificate of any pro se litigant, or if made by any other person, the affidavit of such person ([LCvR5.4\(b\)](#)).

## **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 time frame required by law, you may move for and the court may enter an order of default and default judgment as established by [FRCP 55\(a\)\(b\)](#).

## **Discovery**

To prepare a case for trial, the parties will conduct what is called "**discovery**." The purpose of discovery is to prepare the parties for trial by requiring each party to assemble their evidence and be prepared to call witnesses to testify in court. Each side may file requests or "motions" with the court seeking rulings on the discovery of evidence or the procedures to be followed at trial. Discovery is the pretrial process by which one party acquires potential evidence from the opposing party via written interrogatories, depositions, demands to produce documents, and requests for admissions. Discovery documents are rarely, if ever, filed with the court.

## **Dispositive Motions**

During the case, any party may file a "**dispositive motion**," as established by [FRCP 12](#) and [FRCP 56](#). Dispositive motions ask that the court decide one or more of the claims in favor of the party who filed the motion without further court proceedings.

## Judgment

**If you win** the case by default, summary judgment or at trial, the Judge will direct the Clerk's Office to prepare 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 how much money.

**If you lose** at trial or by summary judgment, the Judge will direct the Clerk's Office to prepare 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 fees associated with defending the case.

## Notice of Appeal

If you are not satisfied with the outcome of the case, you may file an "**appeal**," which is an application to a higher court for 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 can be found in the Federal Rules of Appellate Procedure, Rule 4. **The fee to file an appeal is \$505.00.** If you cannot afford to pay the filing fee, you can apply to proceed on appeal without prepayment of the filing fee. The "**Motion for Leave to Proceed on Appeal Without Prepayment of Costs or Fees**" can be found at [www.okwd.uscourts.gov/forms/](http://www.okwd.uscourts.gov/forms/). To file an appeal, you must file a "Notice of Appeal" with the Clerk's Office (see [Sample 5](#)).

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

## SAMPLE FORMS

1. **In General.** These forms, as well as forms from the [www.uscourts.gov](http://www.uscourts.gov) website, illustrate information that could be useful when filing complaints or other pleadings. The forms are not comprehensive and do not apply to every type of case.
2. **Not Legal Advice.** No form provides legal advice. No form can substitute for retaining or consulting a lawyer. If you are not a lawyer and you are suing or being sued, it is best to retain or consult a lawyer if possible.
3. **No Guarantee.** Following a form does not guarantee that any pleading is legally or factually correct or sufficient.
4. **Variations Possible.** A form may call for more or less information than a particular court or Judge 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.
5. **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.
6. **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. The current [Federal Rules of Civil Procedure](http://www.uscourts.gov) are available free of charge at [www.uscourts.gov](http://www.uscourts.gov).
7. **Privacy Requirements.** [FRCP 5.2](#) addresses the privacy and security concerns over public access to electronic court files. Under this rule, 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 and taxpayer identification number, the year of someone's birth, a minor's initials, and/or the last four digits of a financial-account number.

# 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)* \_\_\_\_\_

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)* \_\_\_\_\_

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)* \_\_\_\_\_

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)* \_\_\_\_\_

## 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.

---

### 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)*:

---

**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.

---

**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 \_\_\_\_\_

# 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)

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	<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 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<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"/> 835 Patent - Abbreviated New Drug Application <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/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<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
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <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>PRISONER PETITIONS</b> <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			

## 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. 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 – 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**  
**WESTERN DISTRICT OF OKLAHOMA**

\_\_\_\_\_ )  
**Plaintiff** )  
 v. )  
 \_\_\_\_\_ )  
**Defendant** )

**CASE NO.:** \_\_\_\_\_  
*(To be supplied by the Clerk)*  
*(Non-Prisoner form)*

**APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS**

I am a plaintiff in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. If I am employed, my employer's name and address are:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

My gross pay or wages are: \$ \_\_\_\_\_, and my take-home pay or wages are: \$ \_\_\_\_\_ per  
*(specify pay period)* \_\_\_\_\_.

2. *Other Income.* In the past 12 months, I have received income from the following sources  
*(check all that apply)*

- (a) Business, profession, or other self-employment       YES     NO
- (b) Rent payments, interest, or dividends                 YES     NO
- (c) Pension, annuity, or life insurance payments         YES     NO
- (d) Disability or worker's compensation payments         YES     NO
- (e) Gifts or inheritances                                         YES     NO
- (f) Any other sources      YES     NO

*If you answered "Yes" to any questions above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.*

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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)*

---

---

---

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

---

---

---

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:

---

---

---

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

---

---

---

---

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  
WESTERN DISTRICT OF OKLAHOMA

	)	
	)	
	)	
Plaintiff(s)	)	
vs.	)	CASE NO. _____
	)	
	)	
	)	
Defendant(s)	)	

**PRO SE NOTICE OF CHANGE OF ADDRESS**

To the Clerk of this court and all parties of record:

Please note my change of address in the above styled case:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
New Address

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

\_\_\_\_\_  
Signature

*Pro Se Litigant's Certificate of Service*

I hereby certify that on (date) \_\_\_\_\_, I filed the attached document with the Clerk of Court. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the Electronic Case Filing System.

I hereby certify that on (date) \_\_\_\_\_, I filed the attached document with the Clerk of Court and served the attached document by (service method) \_\_\_\_\_ on the following, who are not registered participants of the Electronic Case Filing System: (insert names and addresses)

\_\_\_\_\_  
Signature

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

	)	
	)	
	)	
Plaintiff(s)	)	
	)	
vs.	)	CASE NO. _____
	)	
	)	
	)	
Defendant(s)	)	
	)	

**NOTICE OF APPEAL**

Notice is hereby given that \_\_\_\_\_

Plaintiff(s) Defendant(s) in the above named case hereby appeal to the United States Court of Appeals for the Tenth Circuit from the final judgment entered in this action on \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone No. Fax No.

\_\_\_\_\_  
Email Address