

## **COMPLAINT INSTRUCTIONS**

Civil actions or lawsuits in federal court begin with the filing of a complaint. Although you may file a complaint without the assistance of an attorney, you should draft your complaint to conform to Rule 8 of the Federal Rules of Civil Procedure (see attached). In general, your complaint must contain:

- (i) the full name and address of each plaintiff,
- (ii) the full name and address of each defendant,
- (iii) a statement of facts setting forth why each defendant named in the caption is being sued (a brief description of the claim(s), including the names, dates and events involved),
- (iv) why the Court has jurisdiction (i.e., the federal statute that governs your claim), and
- (v) the remedy you seek from each defendant (i.e., money damages, injunctive or declaratory relief).

If you are unsure as to whether you are in the right federal court or whether you should be filing in federal court at all, please ask for the following informational handouts: Should You File Your Case in Federal Court and Where to File Your Action. Please note that the Pro Se Office staff can only provide procedural information, not legal advice.

The Court provides a form complaint if your case concerns social security benefits, employment discrimination, habeas corpus relief or if you are prisoner alleging the violation of your civil rights. For any other type of case, you should review these instructions and create your own complaint that contains the information described herein.

### **A. Form of the Complaint**

The complaint should be either typed or neatly printed in English. It must begin with a caption (see sample complaint attached) containing your name as plaintiff and the names of all defendants. If you do not know the name of a defendant, you can write "John Doe" along with the place of employment and position of the person. For example, John Doe #1, employed as a police officer at the First Precinct. The complaint should only be written on one side of the page. **Most importantly, the complaint must be signed by each plaintiff named in the caption.**

**B. Number of Copies**

Once the complaint is complete, you must submit the original along with two (2) copies of the complaint to the Pro Se Office. If you have included exhibits or any other attachments to the original complaint, you must include copies of those same papers on the additional two copies to the Court. It is your responsibility to make sure the original and the copies are identical. You should also keep a copy of any document you submit to the Court for your own records. Please note that the Pro Se Office will not make copies of your documents for you and if you should need copies of documents, the Court's copy machine charges 25 cents per page copied.

**C. Filing Fee or Request to Proceed *In Forma Pauperis***

The statutory filing fee to commence a civil action (other than a habeas corpus proceeding) is **\$350**. Upon submitting the filing fee along with the complaint, the Clerk will prepare a civil cover sheet and a summons in order to effect service of process. A separate information sheet shall be provided which will explain how to serve the complaint in accordance with the Federal Rules of Civil Procedure.

If you cannot afford the filing fee, you may ask the Court to waive the filing fee by completing a "Request to Proceed *In Forma Pauperis*" (IFP) form. If you request IFP status, the Clerk will not provide you with a summons at the time you submit the complaint since the Court must first consider your IFP application. If the Court grants your IFP application, the filing fee will be waived and the Court will direct the United States Marshals Service to serve process on the defendants. However, all other costs associated with your case, such as fees for copying documents, service of other documents, or witness fees relating to a subpoena are not waived even if you have been granted IFP status.

**D. Jury Trial**

In some types of cases, you are entitled to a trial by jury. However, you will lose your right to a jury trial if you do not ask for a jury trial in the beginning of the action. If you want a jury trial, you should write JURY TRIAL DEMANDED on the front page of the complaint to the right of the caption (see sample complaint attached). You can also demand a jury trial within ten (10) days of the service of the answer. If you fail to demand a jury trial either in the complaint or within 10 days of defendant's answer, your case, should it proceed to trial, will be tried before the judge without a jury ( a bench trial).

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**SAMPLE  
DO NOT SUBMIT THIS  
FORM TO THE COURT**

-----X  
[Your Name],

Plaintiff,

**COMPLAINT**

- against -

[Insert Names],

**Jury Trial Demanded**

Defendants.

-----X

I. Parties:

Plaintiff \_\_\_\_\_, resides at \_\_\_\_\_.

Defendant \_\_\_\_\_, resides at \_\_\_\_\_.

Defendant \_\_\_\_\_, resides at \_\_\_\_\_.

II. The jurisdiction of the Court is invoked pursuant to \_\_\_\_\_.

III. Statement of Claim. [give a clear and concise statement of facts: where the claim arose, the date of each relevant event, a description of what occurred and how each defendant named was involved in the claim]

IV. Remedy. State what relief, such as money damages, you seek from each defendant.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sign Your Name

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