# Appendix II: Non-Prisoner Pro Se Forms

- A. ECF Registration Form
- B. Complaint Sample
- C. Application to Proceed in District Court Without Prepaying Fees or Costs (AO 240)
- D. Summons (AO 440)
- E. Summons (FOIA)
- F. Civil Cover Sheet (JS 44)
- G. Consent to Proceed before a Magistrate Judge
- H. Affidavit of Service Sample
- I. Certificate of Service Sample
- J. Notice of Appeal

# **United States District Court For The District of Columbia**

## ELECTRONIC CASE FILING (ECF) Attorney/Participant Registration Form

#### LIVE SYSTEM

This form shall be used to register for an account on the Court's Electronic Case Filing (ECF) system. Registered attorneys and other approved participants will have privileges to electronically submit documents, and to view and retrieve electronic docket sheets and documents for all cases assigned to the Electronic Case Filing system.

The following information is required for registration: If you are appointed pro bono or *pro hac vice*, please provide the case number:

First Name/Middle Initial/Last Name:	
Last four digits of Social Security Number:	
DC Bar ID#:	
Firm Name:	
Firm Address:	
Phone Number:	
FAX Phone Number:	
E-Mail Address:	

By submitting this registration form, the undersigned agrees to abide by the following rules:

- This system is for use only in cases permitted by the U.S. District Court for the District of Columbia. It may be used to file and view electronic documents, docket sheets, and notices. Please visit the Court's ECF website for more information: <u>http://www.dcd.uscourts.gov/dcd/ECFCR</u>.
- 2. Pursuant to FRCvP 11, every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney's/participant's signature. Therefore, an attorney/participant must protect and

secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court. The Court will delete that password from the system and issue a new password.

- **3.** An attorney's/participant's registration will not waive conventional service of a summons and complaint, subpoena, or other judicial process; submit the client to the jurisdiction of the Court; or operate as a consent to accept service of pleadings, documents, and orders in actions in which such attorney/participant has not entered an appearance. An attorney's/participant's registration will constitute a waiver in law only of conventional service of other non-process pleadings, documents, and orders in the case. The attorney/participant agrees to accept, on behalf of the client, service of notice of the electronic filing by hand, facsimile or authorized e-mail.
- 4. Upon receipt of your login and password, you are strongly encouraged to change your password to a name easily recalled. This may be done through the Utilities function in ECF.
- 5. To receive an ECF account, attorneys must be active members of the bar of this Court, government attorneys who are employed or retained by the United States, or attorneys who have been permitted to proceed *pro hac vice. Pro Se* parties must request leave of court to receive an ECF account and file documents electronically.
- 6. Whenever a filer's e-mail address changes, the user agrees to update their ECF profile to reflect the new e-mail address via the Utilities function in ECF. The Clerk's Office does not monitor bounced back or undelivered e-mails.
- **7.** Logins and passwords are normally processed within 48 business hours of being received.

Please return this form via E-mail: ecf\_login@dcd.uscourts.gov or Mail: U.S. District Court for the District of Columbia Attn: Attorney Admissions 333 Constitution Avenue NW, Room 1225 Washington, DC 20001

Applicant's Signature:

Full Last Name

Initial of First Name

Last 4 Digits SS#

#### UNITED STATES DISTRICT AND BANKRUPTCY COURTS FOR THE DISTRICT OF COLUMBIA

## **DO NOT WRITE ON SAMPLE FORM**

YOUR NAME YOUR FACILITY ADDRESS CITY, STATE & ZIP CODE YOUR PRISONER IDENTIFICATION NO.

VS.

CIVIL ACTION NO. (To be filled in by Clerk)

DEFENDANT(S) NAME(S) THEIR ADDRESS CITY, STATE & ZIP CODE

#### COMPLAINT

#### **DO NOT WRITE ON SAMPLE FORM**

SET FORTH THE FACTS OF YOUR CASE.

ON THE LAST PAGE OF YOUR COMPLAINT, SPELL OUT THE RELIEF YOU ARE REQUESTING FROM THIS COURT.

IF YOU ARE ASKING FOR A TRIAL BY JURY, YOU MUST STATE THIS IN YOUR COMPLAINT.

IF YOU ARE REQUESTING A SPECIFIC AMOUNT OF MONEY, STATE THIS IN YOUR COMPLAINT.

ORIGINAL SIGNATURE (IN PEN)

YOUR NAME YOUR FACILITY ADDRESS CITY, STATE & ZIP CODE AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STA	TES DISTRICT COURT
	District of
Plaintiff/Petitioner v. Defendant/Respondent	) ) ) ) ) Civil Action No.

#### APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner 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 incarcerated.* I am being held at:

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. If not incarcerated. 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) \_\_\_\_\_.

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

Yes	🗖 No
Yes	🗖 No
	<ul> <li>Yes</li> <li>Yes</li> <li>Yes</li> <li>Yes</li> <li>Yes</li> </ul>

If you answered "Yes" to any question 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.

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

5. 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*):

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

7. 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:

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

*Declaration:* I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date:

Applicant's signature

Printed name

Unite	ED STATES DISTRICT COURT
	District of
Plaintiff(s) V. Defendant(s)	) ) ) ) ) ) Civil Action No. ) ) ) ) ) )

#### 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.

ANGELA D. CAESAR, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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 (nan	ne of individual and title, if any)		
was re	ceived by me on (date)			
	□ I personally served	the summons on the individu	al at (place)	
			on (date)	; or
	$\square$ I left the summons		or usual place of abode with <i>(name)</i>	
			rson of suitable age and discretion who res	
	on (date)	, and mailed a copy	to the individual's last known address; or	
	$\Box$ I served the summo	ons on (name of individual)		, who is
	designated by law to a	accept service of process on b		
			on (date)	; or
	$\Box$ I returned the summ	nons unexecuted because		; or
	• Other <i>(specify):</i>			
	My fees are \$	for travel and \$	for services, for a total of \$	·
	I declare under penalty	y of perjury that this informat	ion is true.	
Date:				
			Server's signature	
			Printed name and title	

Server's address

Additional information regarding attempted service, etc:

#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

	Plaintiff	)
		)
v.		)
		)
		)
	Defendant	)

Civil Action No.

#### SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) 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 may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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 (nat	me of individual and title, if a	any)			
was ree	ceived by me on (date)					
	□ I personally served	l the summons on the in	dividual at (place)			
				on (date)	; or	
	□ I left the summons	at the individual's resid	lence or usual pla	ce of abode with (name)		
			—	le age and discretion who resid		,
	on (date)	, and mailed a	a copy to the indiv	idual's last known address; or	•	
	□ I served the summer	ons on (name of individual)				, who is
	designated by law to	accept service of proces	ss on behalf of (na	ne of organization)		_
				on (date)	; or	
	□ I returned the sum	mons unexecuted becau	se			; or
	□ Other ( <i>specify</i> ):					
	My fees are \$	for travel and	\$	for services, for a total of \$		·
	I declare under penalt	y of perjury that this inf	formation is true.			
Date:						
				Server's signature		
				Printed name and title		

Server's address

Additional information regarding attempted service, etc:

### **CIVIL COVER SHEET**

JS-44 (Rev. 3/16 DC) I. (a) PLAINTIFFS			DEFENDA	ANTS					
(b) COUNTY OF RESIDENCE OF FIRST (EXCEPT IN U.S.	LISTED PLAINTIFF				(IN U.S	. PLAIN	STED DEFENDANT <b>TIFF CASES ONLY</b> ) THE LOCATION OF THE TRACT OF L	AND INVOLV	ED
(c) ATTORNEYS (FIRM NAME, ADDRE	SS, AND TELEPHONE NUMBER)		ATTORNEYS	S (IF KNOW	VN)				
II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)							IES (PLACE AN x IN ONE I IVERSITY CASES ONLY!	BOX FOR	
	Federal Question			PTF	DFT	) <u>10RD</u>		PTF	DFT
	-	Citizen of th	nis State	O 1	O 1		orated or Principal Place iness in This State	O 4	O 4
Defendant	Indicate Citizenship of	Citizen of A	another State	<b>O</b> 2	<b>O</b> 2		orated and Principal Place iness in Another State	O 5	O 5
		Citizen or S Foreign Cou		<b>O</b> 3	<b>O</b> 3	Foreig	n Nation	<b>O</b> 6	<b>O</b> 6
	IV. CASE ASSIGN	MENT.	AND NAT	URE O	F SUIT	[			
(Place an X in one cate	gory, A-N, that best represen	nts your C	Cause of Ac	tion and	<u>one</u> in a	corres	ponding Nature of Sui	t)	
A10 Antitrust	Personal Injury/ Ialpractice irplane		. Adminis Review 51 Medicare A		Agency		O D. Temporary Order/Preli Injunction		ining
	irplane Product Liability	Social	Security				Any nature of suit from		
	ssault, Libel & Slander ederal Employers Liability		51 HIA (1395	ff)			may be selected for this assignment.	category	of case
340 M	1 0 0		2 Black Lun				0		
	larine Product Liability		63 DIWC/DI 64 SSID Title		g))		*(If Antitrust, then A g	overns)*	
	lotor Vehicle lotor Vehicle Product Liability		65 RSI (405(g	g))					
	ther Personal Injury		<u>Statutes</u> 91 Agricultur	al Acts					
	ledical Malpractice roduct Liability		3 Environm		ters				
	ealth Care/Pharmaceutical	89	0 Other Stat Administra	·					
	ersonal Injury Product Liability	7	Involved)	auve Agei	icy is				
308 A	sbestos Product Liability								
O E. General Civil (Other)	OR	С	F. Pro	Se Gene	eral Civ	il			
Real Property 210 Land Condemnation	Bankruptcy 422 Appeal 27 USC 158			<u>e/Penalty</u> Drug Rela	ntad Sai-	ure of	470 Racketeer In	fluenced	
210 Land Condemnation 220 Foreclosure	422 Appeal 27 USC 158 423 Withdrawal 28 USC	157		Drug Keia Property			& Corrupt C		ion
230 Rent, Lease & Ejectment	Drisonan Datitions		690	Other			480 Consumer C		
240 Torts to Land 245 Tort Product Liability	<u>Prisoner Petitions</u> 535 Death Penalty						490 Cable/Satelli 850 Securities/Co		es/
290 All Other Real Property	540 Mandamus & Other		Other Sta	<u>atutes</u> False Clai	me A at		Exchange		
Personal Property	550 Civil Rights 555 Prison Conditions			Qui Tam			896 Arbitration 899 Administrati	ve Proce	dure
370 Other Fraud	560 Civil Detainee – Con	ditions		3729(a))	-		Act/Review of		
371 Truth in Lending 380 Other Personal Property	of Confinement			State Rea Banks & I		iment	Agency Decis		
Damage	Property Rights			Commerc	0		950 Constitution Statutes	anty of Si	late
385 Property Damage	820 Copyrights 830 Patent			Rates/etc.			890 Other Statut	•	
Product Liability	830 Patent 840 Trademark			Deportati Naturaliz			(if not admin		
				Applicatio	on		review or Pr	vacy Act	J
	Federal Tax Suits 870 Taxes (US plaintiff of	or		Other Im	migratio	n			
	defendant)			Actions					
	871 IRS-Third Party 26	USC 7609							

<ul> <li>G. Habeas Corpus/ 2255</li> <li>530 Habeas Corpus – General 510 Motion/Vacate Sentence</li> <li>463 Habeas Corpus – Alien Detainee</li> </ul>	<ul> <li>O H. Employment Discrimination</li> <li>442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)</li> </ul>	O I. FOIA/Privacy Act 895 Freedom of Information Act 890 Other Statutory Actions (if Privacy Act)	O J. Student Loan 152 Recovery of Defaulted Student Loan (excluding veterans)
	*(If pro se, select this deck)*	*(If pro se, select this deck)*	
<ul> <li>K. Labor/ERISA (non-employment)</li> <li>710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 740 Labor Railway Act</li> <li>751 Family and Medical Leave Act</li> <li>790 Other Labor Litigation</li> <li>791 Empl. Ret. Inc. Security Act</li> </ul>	<ul> <li>C L. Other Civil Rights (non-employment)</li> <li>441 Voting (if not Voting Rights Act)</li> <li>443 Housing/Accommodations</li> <li>440 Other Civil Rights</li> <li>445 Americans w/Disabilities – Employment</li> <li>446 Americans w/Disabilities – Other</li> <li>448 Education</li> </ul>	<ul> <li>M. Contract         <ol> <li>110 Insurance</li> <li>120 Marine</li> <li>130 Miller Act</li> <li>140 Negotiable Instrument</li> <li>150 Recovery of Overpayment</li> <li>&amp; Enforcement of</li> <li>Judgment</li> <li>153 Recovery of Overpayment</li> <li>of Veteran's Benefits</li> <li>160 Stockholder's Suits</li> <li>190 Other Contracts</li> <li>195 Contract Product Liability</li> <li>196 Franchise</li> </ol></li></ul>	<ul> <li>N. Three-Judge Court</li> <li>441 Civil Rights – Voting (if Voting Rights Act)</li> </ul>
V. ORIGIN			•
O 1 Original Proceeding Court	O 3 Remanded from Appellate Court O 4 Reinstated or Reopened		ti-district O 7 Appeal to gation District Judge from Mag. Judge
VI. CAUSE OF ACTION (CITE T	HE U.S. CIVIL STATUTE UNDER WHICH	YOU ARE FILING AND WRITE A BRI	EF STATEMENT OF CAUSE.)
VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND	) \$ Check Y RY DEMAND: YES	ES only if demanded in complaint <b>NO</b>
VIII. RELATED CASE(S) IF ANY	(See instruction) YES	NO If yes, p	lease complete related case form
DATE:	SIGNATURE OF ATTORNEY OF REC	CORD	

#### INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET 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 services 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed <u>only</u> if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the <u>primary</u> cause of action found in your complaint. You may select only <u>one</u> category. You <u>must</u> also select <u>one</u> corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

#### UNITED STATES DISTRICT AND BANKRUPTCY COURTS FOR THE DISTRICT OF COLUMBIA

ANGELA D. CAESAR Clerk of Court

### NOTICE OF RIGHT TO CONSENT TO TRIAL BEFORE A UNITED STATES MAGISTRATE JUDGE

The substantial criminal caseload in this Court and the requirements of the criminal Speedy Trial Act frequently result in the delay in the trial of civil cases. Aware of the hardship and expense to the parties, counsel, and witnesses caused by the delays which are beyond the control of the Court, this notice is to advise you of your right to trial of your case by a United States Magistrate Judge. By statute, 28 USC §636(c), Fed.R.Civ.P. 73 and Local Civil Rule 73.1, the parties, by consent, can try their case by means of a jury trial or bench trial before a United States Magistrate Judge. Appeals from judgments and final orders are taken directly to the United States Court of Appeals for the District of Columbia Circuit, in the same manner as an appeal from a judgment of a United States District Judge in a civil case.

### WHAT IS THE PROCEDURE?

One of the matters you are required to discuss at the meet-and-confer conference mandated by Local Civil Rule 16.3 is whether the case should be assigned to a United States Magistrate Judge for all purposes, including trial

All parties must consent before the case is assigned to a Magistrate Judge for trial. You may consent at any time prior to trial. If you expressly decline to consent or simply fail to consent early in the case, you are <u>not</u> foreclosed from consenting later in the case. However, a prompt election to proceed before a Magistrate Judge is encouraged because it will facilitate a more orderly scheduling of the case.

Counsel for the plaintiff has been furnished a copy of the "Consent to Proceed Before a United States Magistrate Judge for all Purposes" form. If and when the form is executed, your response should be made to the Clerk of the United States District Court only.

## WHAT IS THE ADVANTAGE?

The case will be resolved sooner and less expensively. The earlier the parties consent to assigning the case to a Magistrate Judge the earlier a firm and certain trial date can be established, even if the case is to be tried to a jury.

Upon the filing of the consent form the case will be randomly assigned for all purposes to a Magistrate Judge.

#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ν.		Plaintiff
	v.	

#### NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Civil Action No.

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. Once judgment is entered an appeal must be taken to the U.S. Court of Appeals for the D.C. Circuit and not to the United States District Judge. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

Parties' printed names	Signatures of parties or attorneys	Dates

Note: Return this form to the clerk of court only if you are consenting to the exercise jurisdiction by a United States magistrate judge. Do not return this form to a judge.

#### UNITED STATES DISTRICT AND BANKRUPTCY COURTS FOR THE DISTRICT OF COLUMBIA

## **DO NOT WRITE ON SAMPLE FORM**

#### PLAINTIFF(S) NAME(S)

vs.

CIVIL ACTION NO. (JUDGE'S INITIALS)

DEFENDANT(S) NAME(S) (et al. can be used on this form)

#### **AFFIDAVIT OF SERVICE**

#### DO NOT WRITE ON SAMPLE FORM

I, (name the person who actually mailed the summons/complaint), hereby declare that on the

\_\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_\_, I mailed a copy of the summons and

complaint, certified mail return receipt requested, to (name of defendant). Attached hereto is the

certified green card acknowledging service.

**STAPLE GREEN CARD HERE** Make sure it bears the original signature of the person who signed for the summons and complaint.

ORIGINAL SIGNATURE

Typed or Written Name Street Address City, State & Zip Code Telephone Number

### (DO NOT WRITE ON SAMPLE FORM)

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing [Insert Title of Document

here] was served by first-class mail, postage prepaid, on the \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_, upon:

[List Defendants and Addresses here]

(Signature)

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Plaintiff

vs.

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

Defendant

## **NOTICE OF APPEAL**

Notice is hereby given this day of , 20\_\_\_\_\_, that

hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from

the judgment of this Court entered on the day of , 20\_\_\_\_

in favor of

against said

Attorney or Pro Se Litigant

(Pursuant to Rule 4(a) of the Federal Rules of Appellate Procedure a notice of appeal in a civil action must be filed within 30 days after the date of entry of judgment or 60 days if the United States or officer or agency is a party)

<u>CLERK</u> Please mail copies of the above Notice of Appeal to the following at the addresses indicated: