

Service may be made by anyone who is at least 18 years old and not a plaintiff or defendant in the case. There are private process servers who will serve the defendant for a fee. The person who does the serving must file with the court a proof of service.

If service is not made within 120 days from the date the complaint is filed, the case may be dismissed.

AFTER SERVICE IS MADE

Once a defendant is served, the defendant may answer the complaint, file a motion, or do nothing. If there is more than one defendant, each defendant may respond differently.

If the defendant files an answer, the assigned judge will set dates for completion of discovery, the pretrial conference and trial. The assigned judge's courtroom deputy clerk will notify the plaintiff and defendant of these dates.

If the defendant does nothing within the time for filing a response, the plaintiff may request the entry of a default as the first step to obtaining a default judgment.

ATTORNEYS

Attorneys are not appointed to represent individuals in civil cases. However, many bar associations have lawyer referral services, and a list of such services is available at the clerk's office and on the court's website.

SELF-REPRESENTATION

The court and all parties must be notified, in writing, of any change of address or telephone and fax numbers.

Parties may not telephone or write directly to the district and/or magistrate judge assigned to the case.

For all pleadings filed with the court, copies must be mailed to the defendant's attorney. All pleadings must be hand signed by the person bringing the lawsuit.

OFFICE HOURS

The Clerk's Office hours are 10:00 A.M. - 4:00 P.M., Monday-Friday, excluding holidays.

PRO SE CLINIC

The Pro Se Clinic will offer on-site information and guidance to individuals who are representing themselves (proceeding pro se) in federal civil actions



WESTERN DIVISION

U.S. Courthouse
312 North Spring Street
Los Angeles, California 90012

Civil Intake, Room G-19
(213) 894-7984
General Number (213) 894-1565

Pro Se Clinic, Room 525
(213) 385-2977, Ext. 270
Clinic Hours:
Mondays, Wednesdays & Fridays
10:00 A.M. - 4:00 P.M.

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#### SOUTHERN DIVISION

Ronald Reagan Federal Building and  
U.S. Courthouse  
Clerk's Office, Room 1-053  
411 West 4th Street  
Santa Ana, California 92701-4516  
(714) 338-4750

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EASTERN DIVISION

George E. Brown, Jr. Building
Clerk's Office, Room 134
3470 Twelfth Street
Riverside, California 92501
(951) 328-4450

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[www.cacd.uscourts.gov/ProSe](http://www.cacd.uscourts.gov/ProSe)

## UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA



### FILING A CIVIL ACTION PRO SE LITIGANTS

2009

*This brochure provides information about certain administrative and documentary procedures and requirements. It does not contain legal advice and may not be cited to the Court. The information contained in this brochure is always subject to change.*

## INTRODUCTION

This pamphlet is intended to help individuals who want to file a civil case on their own behalf without an attorney. (A person who files a case on his or her own is called a pro se litigant.) It will not cover all circumstances nor all types of cases, and there must still be compliance with the Federal Rules of Civil Procedure and the Local Rules of this court. Copies of the local rules are available at local legal newspapers, law libraries, or at the court's website located at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov). Please be aware that the staff of the Clerk's Office cannot give you legal advice in accordance with the Code of Conduct for Judicial Employees.

## WEB SITE

The court has its own website. Some of the information on the website includes filing procedures, requirements for court appearances, Local Rules, General Orders, court services, downloadable court forms, and general information. The court's home page can be found at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov).

## PREPARING THE COMPLAINT

The first step in filing a lawsuit is to prepare a complaint.

A complaint must be legibly printed or typed in 14 point or 10 ½ monospaced type on 8 ½" x 11" sized paper. The paper should be numbered on the left margin with not more than 28 lines per page. All pages of the complaint must be two-hole punched and stapled at the top.

The first page of the complaint must contain the following information (Use additional sheets if necessary to list all the information):

- At the top left of the first page, enter the name, complete address (no post office box number), telephone number, and if available, the fax number and e-mail address of the person(s) bringing the lawsuit; on the next line, enter the words In Pro Se;
- Two lines below In Pro Se, enter United States District Court;
- On the line below United States District Court, enter Central District of California;
- Two lines below Central District of California, enter the name of the parties, with the name of the person bringing the lawsuit first;
- To the right of the first party listed, enter the nature of the complaint.

## BODY OF THE COMPLAINT

The complaint must also state why the court has jurisdiction over the case. Federal courts have jurisdiction in limited situations, including when:

- the United States is a defendant;
- in cases involving a claimed denial of a federal constitutional right or federal law;
- in cases where the plaintiff and defendant are citizens of different states (or a foreign country) and the dollar amount in controversy in the case exceeds \$75,000.00 or more.

The rest of the complaint is a description of the case. It should be written in the form of numbered paragraphs. The facts of the claim should be explained, why it is believed that the defendant is responsible for the damage or injury suffered, and what the court is asked to do (prayer for relief). If a jury is requested, it must be stated at the end of the complaint as well as written underneath the nature of the complaint on the first page.

The complaint must be signed on the last page. Underneath the signature must be the signer's printed or typewritten name.

### SAMPLE FIRST PAGE OF A COMPLAINT

John Smith  
E-mail Address  
123 Oak Street  
Los Angeles, California 91000  
Telephone Number  
Facsimile Number  
In Pro Se

### UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

|             |                      |
|-------------|----------------------|
| John Smith, | ) COMPLAINT FOR      |
| Plaintiff   | ) BREACH OF CONTRACT |
| vs.         | )                    |
| Mary Jones, | ) DEMAND FOR JURY    |
| Defendant   | ) TRIAL              |

## FILING THE COMPLAINT

When a civil case is filed, each of the following documents must be submitted:

- Original and two copies of the complaint (one of the copies is returned to the person filing the complaint for his/her records);
- A civil cover sheet which is available from the intake window at the Clerk's Office or on the court's website;

- A summons for each defendant named in the complaint; a summons form is available from the intake window at the Clerk's Office or on the court's website;
- Original and two copies of Notice of Interested Parties; the form is available on the court's website;
- Either the current filing fee or a declaration to proceed in forma pauperis.

The top sections of the civil cover sheet and the summons must be completed the same as the complaint.

All the documents should be completed at home and then brought to the intake window of the Clerk's Office. When the documents are presented, the clerk will make sure that they have been properly completed and will assign a case number to the complaint. A district judge and magistrate judge will be assigned to the case. This information, along with the date, will be stamped on the original and all copies at the time of filing.

## FILING A PETITION TO PROCEED IN FORMA PAUPERIS

If a person is unable to pay the current filing fee, the court may allow the case to be filed without paying this fee in advance. Cases of this type are called in forma pauperis (IFP) cases. Blank IFP forms are available from the intake window at the Clerk's Office or on the court's website.

The IFP petition must be filed at the same time as the complaint, summons, notice of interested parties, and civil cover sheet. The IFP petition will be reviewed by a magistrate judge. If the judge grants the IFP petition, the complaint will be filed, and the summons will be issued. If the judge denies the IFP petition, the complaint will not be filed.

## SERVICE OF THE COMPLAINT

Federal Rule of Civil Procedure 4 explains about service of the summons and complaint on the defendant. The summons and complaint is notification that a lawsuit has been filed.

There are various ways to serve a defendant. The requirements vary depending on such factors as whether the defendant is an individual, a corporation, or some other legal entity, and where the defendant can be found. Read Rule 4 of the Federal Rules of Civil Procedure carefully.