

United States District Court

Southern District Of California

Office Of The Clerk

333 West Broadway, Suite 420

San Diego, California 92101

www.casd.uscourts.gov

John Morrill
Clerk of Court

Phone: (619) 557-5600

TO ANY PERSON WISHING TO FILE A COMPLAINT IN THEIR OWN BEHALF

The following instructions have been compiled to assist any person wishing to file a complaint in this court. We have attempted to simplify procedures, however, we cannot and will not act as lawyers nor give legal advice. You should use the local rules along with the Federal Rules of Civil Procedure for specific guidance. The local rules are available at: www.casd.uscourts.gov

PRO SE: In PRO SE status you are representing yourself and acting on your own behalf without counsel. The following requirements must be met in order to file a complaint:

1. **Filing Fee:** A \$400.00 filing fee is required when filing a complaint. If you are not able to pay the fee, you may file to proceed In Forma Pauperis. Please refer to the In Forma Pauperis section below.
2. **Cover Sheet:** A civil cover sheet, form JS-44, is required and must be filled out completely and signed.
3. **Complaint:** The complaint must be typed in 14-point standard font, printed by hand, or written on 8½" x 11" paper (see CIVIL LOCAL RULE 5.1 for further format instructions). Your complaint should be legible and clearly stated so that it is easily understood. Clearly set out your grievance against whom and what you would like the Court to do to correct the situation. For your convenience, pleading paper is available at the clerk's office, upon request.

IN FORMA PAUPERIS: When filing in this status you are requesting permission from the court to pursue your lawsuit without prepayment of the statutory filing fees. This request will be reviewed and decided upon by the judge randomly assigned to your case. Once a decision has been made an order will be entered in the case. The order may grant; deny; or partially impose a filing fee. The order may also include further instruction or request additional information.

If you are granted In Forma Pauperis status, a summons will be issued and the court may authorize service of process without prepayment of the U.S. Marshal's fee. Additionally, if you are granted In Forma Pauperis status, you can act on your own behalf, seek counsel, or request appointment of counsel.

Attached to this package is:

1. Civil Cover Sheet (instructions included on the 2nd page)
2. Complaint Form
3. Request for Appointment of Counsel
4. AO-239 (Long Form) - Application to Proceed in District Court without Prepaying Fees or Costs (In Forma Pauperis Application)
5. What the Clerk's Office Can and Cannot do

AN ORIGINAL AND ONE COPY OF THE CIVIL COVER SHEET AND COMPLAINT ARE REQUIRED FOR FILING. Two copies are needed if you wish to receive a conformed copy back.

Additional Information

At the time of filing your complaint, the Clerk's Office will prepare and issue a "Summons in a Civil Action", if applicable. You are responsible for the service of both your complaint and the summons, with the exception of those proceeding In Forma Pauperis (see CIVIL LOCAL RULE 4.1 for Service of Process information). In addition, you are responsible for the timely movement of your case once it is filed.

You must provide us with your current address and phone number so the Court may contact you in the event it is necessary to obtain further information or clarification, or advise you of any changes in hearing schedules. It is your responsibility to inform the Court of any change of address and its effective date. Failure to provide us with a contact phone number or mailing address, may result in the dismissal of your complaint pursuant to Rule 41.1(b), Federal Rules of Civil Procedure. The Court will not be responsible for untimely notification of emergency changes in hearing schedules or for lack of service if you do not comply.

If you require additional information you may call the Clerk's Office at (619) 557-5600. The Clerk's Office can assist you with procedural questions, but cannot give you any legal advice.

Additional Resources:

- San Diego Law Library
 - <http://www.sandiegolawlibrary.org/>
- Legal Aid Society of San Diego
 - <http://www.lasds.org/>

What the Clerk's Office can and cannot do

The Clerk's office is available to help answer many of your questions. However, we are legally prohibited from providing legal advice.

Court rules, procedures, practices and answers to frequently asked questions can be found by visiting the Court's web site at www.casd.uscourts.gov.

For additional information, please contact an attorney or visit the Law Library located at 1105 Front St, San Diego, CA.

Below is a list of some of the information the Clerk's office staff can and cannot provide.

<i>We Can ...</i>	<i>We Cannot ...</i>
<ul style="list-style-type: none">• Explain and answer questions about how the Court works.• Give you general information about court rules, procedures and practices.• Provide you with information from your case file and help you access information from the public computer station.• Provide you with court forms.	<ul style="list-style-type: none">• Give you legal advice.• Tell you whether or not you should file a case.• Tell you what words to use in your court papers.• Compute deadlines in your case.• Interpret the Federal or Local Rules.• Tell you what you should do next in your case.• Predict how or estimate when the judge will rule on your case.• Talk to the judge for you or let you talk to the judge outside of court.