

WRITING AND FILING A CIVIL COMPLAINT

This Complaint template was prepared by the Justice & Diversity Center, a nonprofit organization, and is not an official court form. It can be used by persons who are not incarcerated to file civil lawsuits in the Northern District Court of California. Incarcerated persons filing civil complaints about treatment related to and/or involving their incarceration, should refer to the Court's instructions found at <https://www.cand.uscourts.gov/pro-se-litigants/forms-for-prisoners/>. *The Complaint template provides guidance only and does not guarantee any result in your case.*

★ HOW TO GET LEGAL INFORMATION & ADVICE

This template provides general guidance. It does NOT tell you everything you need to know about filing and serving a Complaint. Before filing your Complaint, make an appointment for free legal information and advice at one of the Legal Help Centers listed below.

APPOINTMENTS – Based on the Courthouse where your Judges is Assigned

- ★ SAN FRANCISCO, OAKLAND, OR EUREKA-MCKINLEYVILLE
Federal Pro Bono Project | fedpro@sfbbar.org | (415) 782-8982
NOTE: Contact for scheduling only – no legal advice is given when scheduling.
- ★ SAN JOSE
Federal Pro Se Program | (408) 297-1480
Drop-in hours Tuesday and Thursday from 9:00 a.m. to 4:00 p.m.
280 South 1st Street, 2nd Floor, Room 2070, San Jose

★ UNDERSTANDING LAWS & RULES

The Legal Help Centers (see above) are the best resource for people without lawyers. There are other resources for understanding the laws and rules of the Court:

1. **Handbook for Pro Se Litigants** – The Handbook is a procedural guide for people who are representing themselves. It was prepared by the Court and is available at the Clerk's Office or on the Court's website at: <https://www.cand.uscourts.gov/pro-se-handbook/>.
2. **Legal Research Guide for Pro Se Litigants** – The Guide provides information for people who are representing themselves about how to do legal research, like finding statutes and decisions in other cases. It was prepared by the Justice & Diversity Center and is available at the Legal Help Centers and at: <https://www.cand.uscourts.gov/pro-se-litigants/legal-help-center-templates-packets/>.
3. **Federal Rules of Civil Procedure** – These Rules explain the procedures from filing through trial for all civil cases in the federal courts across the country, and are available at: <https://www.uscourts.gov/rules-policies>.
4. **Civil Local Rules** – The Civil Local Rules follow the same numbering as the Federal Rules of Civil Procedure, but generally provide more detail. They apply in this District only, and are available at: <https://www.cand.uscourts.gov/rules/civil-local-rules/>.

★ DOCUMENTS TO PREPARE

Along with your Complaint, you need to file some official court forms. These forms are also available at the Legal Help Centers (see page 1), and in a fillable pdf version on the Court’s website at:

<https://www.cand.uscourts.gov/pro-se-litigants/legal-help-center-templates-packets/>.

- Complaint** – See instructions below.
 - ☛ This is a *general* complaint template. Other types of complaint templates are available at the Legal Help Centers. Persons who are incarcerated must use a different, official Court form.
- Civil Cover Sheet** – Information form for the Court’s internal records.
- Summons with Proof of Service** – The Clerk must sign and stamp the summons you have prepared – the completed summons and complaint will be served on the defendant.
- Application to Proceed in Forma Pauperis** – Request that the court waive the \$405 filing fee, if you cannot afford to pay it.

★ HOW TO COMPLETE THE COMPLAINT TEMPLATE

1. **Know Your Deadlines** – You have limited time to file your complaint. If you are not sure of the deadline, contact the Legal Help Centers (see page 1).
2. **Review Instructions** – In the Complaint template, instructions are provided in italics to guide you. Please read these, as well as Chapter 4 of the Handbook for Pro Se Litigants (see page 1).
3. **Provide Basic Information** – Complete pages 1-3 of the Complaint, which provide the Court with information about you (the plaintiff) and the person or entity you are suing (the defendant), the law you are suing under, and why this Court is the correct one to decide this case.
4. **Write Out the Facts** – Write a short and simple description of what happened that caused you to file this case. Put each fact into a separate, numbered paragraph, starting with paragraph 6. It is usually best to write the facts in the order that they happened. Start with the earliest time and continue until the most recent event. Include where and when each event happened, who was involved, and what role each defendant played. If you need more pages for your facts, a blank page for copying is at the end of this packet.
5. **Write Out the Claims** – A “claim” explains what kind of legal right you are suing about. You may have one claim or several. For each claim, write in the law or right that was violated. Then, write in the name of the defendant who violated that law. Complete your claim by explaining what the law allows or doesn’t allow, what the defendant did to violate that law, and the ways in which you were harmed by what the defendant did. Put each statement into a separate, numbered paragraph. You can briefly repeat facts from your statement of facts. You do not need to include legal arguments or case law. There are two claim templates in this packet. If you have more than two claims, a blank page for copying is included at the end. If you need help identifying and understanding your claims, make an appointment at the Legal Help Center (see page 1).

6. **Attachments** – You may attach documents to the end of this Complaint as exhibits, but it is not required. If you do attach an exhibit, explain what it is and how it supports your claim. Attaching a document to your Complaint does not necessarily mean that it will be accepted as evidence, and it does not mean that you should leave anything out of the written portion of your Complaint. An exhibit is not a substitute for writing out the details of your claims.
7. **Identify Your Demands**
 - a. **Demand for Relief** – Complete the Demand for Relief section on the signature page by writing in what you would like the Court to do for you.
 - b. **Demand for Jury Trial** – If you would like to request a jury trial at the end of your case, check the boxes for Demand for Jury Trial on the front and last pages. Not all claims go to a jury trial.
8. **Number the Pages** – Count the number of pages in your final Complaint. In the bottom left corner of each page, insert the page number and the total.
9. **Review and Sign Your Complaint** – Read your Complaint, making sure all blanks are filled in, and to confirm that all of the statements are true. Each plaintiff must sign the complaint. Add an additional signature line for any other plaintiffs.

★ FILING & SERVING YOUR DOCUMENTS

1. **Copies** – Make two copies. Once you have completely filled out and signed your Complaint, Civil Case Cover Sheet, Application to Proceed in Forma Pauperis (if needed), and prepared the Summons for the Clerk, make two copies of each document. On one copy of each document, write “Chambers” on the top in pen.
2. **Court** – Deliver or mail the original plus two copies of each form to the Clerk’s Office at the federal courthouse where you are filing your case. The Clerk will take the original and the copy marked “Chambers” of each document. The other copy is for you to keep after it is stamped by the Clerk. If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy of each document back to you.
3. **Defendant(s)** – Serve the Complaint. Be sure that the Complaint, Summons, and the documents you received from the Clerk are served on each defendant.
 - a. **Filed Application** – If you filed an Application to Proceed in Forma Pauperis and it is granted, the Court will normally order the U.S. Marshals to serve each defendant.
 - b. **Did Not File Application** – If you did not file an Application to Proceed in Forma Pauperis, you will need to have someone serve each defendant. For more information on service, contact the Legal Help Center (see page 1) or read Chapter 8 of the Handbook for Pro Se Litigants.

★ STAY UP TO DATE

1. **Communications** – Check your mail and tell the Court if you move. You must file a notice with the Clerk right away if your mailing address, email, or phone number changes or you may miss important deadlines, causing you to lose your case.
2. **Tracking** – Keep track of your case. A list of the documents that have been filed, and (usually) the documents themselves can be viewed online. Review the ProSe Handbook Chapter 7 and contact the Legal Help Center to learn to access documents.
3. **Guidance** – Visit the Legal Help Center for more information about what happens next.

★ TIMELINE: FIRST STEPS IN A CIVIL CASE

This timeline lists the first few things that happen in a civil case. The Legal Help Centers (see page 1) can provide guidance about these steps and have many additional templates for documents you may need to file during this time and throughout your case.

