

REQUEST TO CHANGE THE DATE OF A HEARING

This template was prepared by the Justice & Diversity Center, a nonprofit organization, and is not an official court form. It can be used in civil lawsuits in the Northern District Court of California. This template provides guidance only. Using this template does not guarantee any result.

★ HOW TO GET LEGAL INFORMATION & ADVICE

This template provides general guidance for asking the Court to change the date of a hearing. Make an appointment for free legal information and advice at one of the Legal Help Centers.

APPOINTMENTS – Based on the courthouse where complaint was filed

- ✦ 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/sites/default/files/rules-of-civil-procedure.pdf>.
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/>.

★ HOW TO COMPLETE THE MOTION TEMPLATE

1. **Contact the opposing side** – Before asking the Court to change a court date, you must first see if the opposing side agrees to the change. You will include their response in your Motion.
2. **Fill in the case information** – On the top of the first page, write your name, address, and check the box for the division to which your case has been assigned. Write in the plaintiff’s and defendant’s names in the middle of the page. Then, write in the case number, the title of the motion that is scheduled for hearing (for example, “Motion to Dismiss”), and the judge’s name.
3. **Complete Paragraphs 1 and 2** – In Paragraph 1, write in the date on which the hearing is currently scheduled. In Paragraph 2, write in the new date you would like. The new date should be the same day of the week as the current schedule.
4. **Complete Paragraph 3** – Check the box to show whether you have already asked the Court to move this hearing.
5. **Complete Paragraph 4** – Explain why you would like to move the hearing date.
6. **Complete Paragraph 5** – Check the box to show whether moving the hearing date will affect other deadlines in the case. If you’re not sure, make an appointment at one of the Legal Help Centers.
7. **Complete Paragraph 6** – Check the box to show whether the other side has agreed to the new date. If you do not have an answer from the other side yet, explain why.
8. **Add final details** – At the bottom of each page, write in the name of the motion scheduled for hearing, the case number, and each page number.
9. **Review and sign your Motion** – Read your Motion, making sure all blanks are filled in, and to confirm that all the statements are true. Each person submitting the Motion must sign it.
10. **Prepare the Certificate of Service** – Each document that you file must be “served” on each other party, usually by sending it in the mail. A Certificate of Service is a paper that lets the Court know that you served a certain document. To prepare the Certificate, follow the instructions on it. If all parties (including you) are registered ECF filers, you do not need to prepare or file a Certificate of Service.

★ FILING & SERVING YOUR MOTION

1. **Copies** – Make three copies. Once you have completed and signed your Motion and Certificate (if needed), make three copies of each. On one copy of the documents, write “Chambers” on the top in pen. (If there is more than one plaintiff or defendant, you will also need one additional copy for each of them.) ECF users do not need to include a chambers copy. See Civil Local Rule 5-1(d)(7).
2. **Serve the Motion** – Be sure that the Motion and Certificate are served on each other party. If you are filing electronically, your document is considered served when filed. See Civil Local Rule 5-1(h)(1).

3. **File the Motion** – Deliver or mail the original plus two copies of the Motion and Certificate to the Clerk’s Office at the federal courthouse where the Judge hearing your case is located. 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.
 - a. **File by mail** – 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.
 - b. **File electronically** – If you are an electronic filer, follow the instructions for electronic filing, which can be found here: <https://www.cand.uscourts.gov/cases-e-filing/cm-ecf/>.
 - c. **Register to become an e-filer** – The registration information to become an e-filer can be found here: <https://www.cand.uscourts.gov/cases-e-filing/cm-ecf/setting-up-my-account/e-filing-self-registration-instructions-for-pro-se-litigants/>.

★ WHAT’S NEXT?

The Court will decide whether to grant your motion or deny it. The Court may grant your motion by moving the hearing to the date you requested, or to another date. Be sure to check your mail (or email if registered ECF user) regularly for an Order from the Court telling you the decision, and for other case-related documents. You must follow the decision the Court makes. If you do not hear from the Court, then assume that the hearing date has not changed, and you need to follow the original deadline.

★ 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 Pro Se 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.

1 Your Name: _____
2 Address: _____
3 _____
4 Phone Number: _____
5 Email Address: _____
6 Pro Se

7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 Division [check one]: San Francisco Oakland San Jose Eureka-McKinleyville

10 _____
11 _____
12 **Plaintiff,**
13 **v.**
14 _____
15 _____
16 _____
17 **Defendant.**

Case No. _____
**ADMINISTRATIVE MOTION AND
[PROPOSED] ORDER TO RESCHEDULE
CASE MANAGEMENT CONFERENCE**
Judge: Hon. _____

- 18
19 1. The hearing on the [title of motion] _____
20 _____
21 is currently scheduled for [date] _____
22 2. I respectfully request that the Court move the hearing to the following date, or another at the Court's
23 convenience, [date, same day of the week as the currently scheduled hearing]
24 _____
25 _____
26 3. I have [check box that applies]:
27 not already asked the Court to change this hearing date.
28 already asked the Court to change this hearing date.

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4. This change is necessary because [explain; inconvenience is not a valid reason]:

5. I believe changing this deadline [check one]:

- will not affect any other deadlines.
- may affect these other deadlines and dates [list anything else that may need to be rescheduled]:

6. The opposing side [check box that applies and explain]:

- has agreed to this change.
- has not agreed. I tried to obtain the opposing party's agreement to this change but was unsuccessful.
[list who you tried to reach, when, and the person's response]: I declare under penalty of perjury that the above statements are true and correct.

I declare under penalty of perjury that the above statements are true and correct.

Date: _____ Signature: _____
Printed Name: _____
Pro Se

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[Do not write below this line]

Good cause appearing, the motion is GRANTED. The Case Management Conference is rescheduled to

[date] _____ at [time] _____.

IT IS SO ORDERED.

Date: _____

Signature: _____

Judge's Name: _____

United States District/Magistrate Judge

1 **CERTIFICATE OF SERVICE OF DOCUMENT OTHER THAN COMPLAINT**

2 Unless all parties to the case, including you, are electronic filers, you must serve each document you file by sending
3 or delivering it to the opposing side. Complete this form and include it with the document that you file and serve.

4 1. **Case Name:** _____ v. _____

5 2. **Case Number:** _____

6 3. **What documents were served?** Write the full name or title of the document(s)
7 _____
8 _____

9 4. **How was the document served?** Check one:

- 10 Placed in U.S. Mail
- 11 Hand-delivered
- 12 Sent for delivery (e.g., FedEx, UPS)
- 13 Sent via email [if the other party has agreed to accept service by email]

14 5. **Who did you send the document to?** Write the full name and contact information for each person you sent the
15 document.

_____	_____
_____	_____
_____	_____
_____	_____

20 6. **When were the documents sent?** _____

21 7. **Who served the documents?** Whoever puts it into the mail, emails, delivers, or sends for delivery should sign,
22 and print their name and address. You can do this yourself.

23 I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

24 Signature: _____

25 Name: _____

26 Address: _____

27 _____

28 _____