
PRO SE HANDBOOK FOR CIVIL SUITS



UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF MISSISSIPPI

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1. INTRODUCTION

A. OVERVIEW

The Court has prepared this manual for you as someone who is interested in filing a lawsuit or must appear in a lawsuit *pro se* (without a lawyer). “*Pro se*” is a Latin phrase meaning “for oneself.” This handbook will help you understand the basics of the legal process but will not teach you about the law. For that, you must do your own research.

This manual is not a substitute for having your own lawyer. You are urged to hire a lawyer, if possible. (A good resource for seeking legal help is the Mississippi Access to Justice Commission, www.msajtc.org or Mississippi Volunteer Lawyer Project, www.mvlp.net.)

Please visit the “Representing Yourself” section of our website at www.msnd.uscourts.gov for access to the [Local Rules \(LR\)](#) and [Federal Rules of Civil Procedure \(FRCP\)](#), court forms, and other resources.

If, **after reading this Handbook and reviewing the materials available on our website**, you still have questions about your case, you may wish to contact the Clerk’s Office. Please understand that **court employees MAY NOT give legal advice**. This means they cannot interpret rules or a judge’s order, calculate a deadline, give advice on how to proceed, or speculate on the outcome of a matter.

B. Locations and Office Hours

The Clerk’s Office has locations in Oxford, Aberdeen, and Greenville.

OXFORD: Monday through Friday, 9:00 a.m. through 5:00 p.m. (closed on legal holidays). Please direct all mail to the Oxford Courthouse at:

**Clerk of Court
911 Jackson Avenue
Suite 369
Oxford, MS 38655**

ABERDEEN: Monday, Tuesday, and Thursday 9:00 – 4:00 and Wednesday and Friday, by appointment only.

GREENVILLE: By appointment only.

If you mail a filing or payment (which must be a **money order** or **certified check**) to the Court, address your envelope to *Clerk of Court*, at the address above. Please note that, if you need to make a payment in person (for example to pay a filing fee) you are encouraged to arrive at the

Clerk's Office no later than 4:00 p.m. You may also call and pay a filing fee with a credit card. Credit cards may not be used for criminal debt (which may be paid through pay.gov through the link on our website www.msnd.uscourts.gov):



C. Legal Holidays

The District Court Clerk's Office is closed on the following holidays:

New Year's Day

Birthday of Martin Luther King, Jr.'s

George Washington's Birthday (commonly referred to as President's Day)

Memorial Day

Juneteenth National Independence Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

Christmas Day

New Year's Eve

Information on court closures on any other day, or due to inclement weather, can be found on the Court's website, www.msnd.uscourts.gov.

2. BEFORE FILING A LAWSUIT

Filing a lawsuit does not necessarily mean that you will get the result you want. **The fact that the Clerk's Office has accepted and docketed your complaint is NOT a guarantee that your suit has merit or will be successful.**

A. QUESTIONS TO CONSIDER BEFORE FILING

1. Have I explored alternatives to suing?	There may be other agencies that can address your problem or provide assistance. For example, the Equal Employment Opportunity Commission, local police review board or oversight committee, Consumer Protection Division of the Mississippi Attorney General's Office, Public Integrity Division of the Attorney General's Office, or the Better Business Bureau.
2. Do I have a legal injury?	Have you suffered a wrong that has a remedy provided for by the law. Many things considered "wrong" are not contrary to the law.
3. Have I waited too long to file a lawsuit?	The "statute of limitations" sets a time limit within which a lawsuit can properly be filed. <i>The fact that the Clerk's Office accepts your pleading for filing does not mean it is timely.</i>
4. Who are the right defendants?	The defendants should be the people or entities responsible for the wrong you have suffered. Include facts, like specific names and dates, supporting your claims against each defendant in your complaint.
5. What facts and evidence support my case?	The person filing suit (the Plaintiff) bears the burden of proof and must provide information

	to the Court showing that the defendants named in the lawsuit violated your rights.
6. Have exhausted all available administrative remedies?	When appealing the decision of a governmental agency, you have to complete all the agency's administrative procedures for appealing their rulings first. For more information on government agencies visit the Social Security Administration's website www.ssa.gov , the EEOC's website is www.eeoc.gov , or find other agencies' websites easily through the federal government's information website www.info.gov or by calling (800) FED-INFO (800.333.4636).

B. Should I file my complaint in the Northern District of Mississippi?

There are two different court systems in the United States: state courts and federal courts.

WHAT KINDS OF LEGAL ISSUES COME TO FEDERAL COURTS:
CONSTITUTIONAL QUESTIONS • INDIVIDUAL RIGHTS • FEDERAL ISSUES
<p style="text-align: center;"> U.S. Constitution Criminal Laws Made by Congress Federal Laws and Regulations Crimes on Federal Land Habeas Corpus Petitions </p>
CASES THAT CROSS STATE LINES
<p style="text-align: center;"> State v. State Individuals and Businesses in Different States Transportation and Business Transactions Across State Lines </p>
CASES THAT CROSS INTERNATIONAL LINES
<p style="text-align: center;">International Commerce Regulations</p>

<p>International Trade Laws Foreign States and Foreign Nationals Admiralty Laws</p>
<p>CASES INVOLVING FINANCE, STOCK MARKET, INTELLECTUAL PROPERTY</p>
<p>Bankruptcy (Separate Court visit www.msnb.uscourts.gov) Stock Market-Related Issues Patent, Copyright, Intellectual Property</p>

If you believe that a federal court will have jurisdiction over your case, you must file your case in the correct *district*. Mississippi has two federal district courts: the Northern District of Mississippi and the Southern District of Mississippi. Does the defendant reside in or did the facts giving rise to your lawsuit occur in one of the counties served by the Northern District (listed below)?

<p>GREENVILLE DIVISION</p>
<p>Coahoma County Bolivar County Washington County Sunflower County Humphreys County Leflore County Grenada County Carroll County Montgomery County Attalla County</p>
<p>OXFORD DIVISION</p>
<p>Tunica County Quitman County Tallahatchie County Desoto County Tate County Panola County Yalobusha County Marshall County</p>

<p>Lafayette County Calhoun County Benton County Tippah County Union County Pontotoc County</p>
<p>ABERDEEN DIVISION</p>
<p>Alcorn County Tishomingo County Prentiss County Lee County Itawamba County Chickasaw County Monroe County Webster County Clay County Choctaw County Oktibbeha County Lowndes County Winston County</p>

3. BASICS FOR FILING A CASE IN THE NORTHERN DISTRICT OF MISSISSIPPI.

A. What are the Federal and Local Rules of Civil Procedure?

Every plaintiff and defendant must follow the rules of the court in which their case is filed. In the Northern District of Mississippi there are several sets of rules you must follow. Some rules apply in every federal court in the country. They include the [Federal Rules of Civil Procedure](#) (FRCP), which control everything from the filing of the complaint to the jury’s verdict. Other national rules include the [Federal Rules of Evidence](#), which control what evidence may be used to decide the case; and the [Federal Rules of Appellate Procedure](#) (FRAP), which control how you can appeal the judge’s decisions if you disagree with them. You can find a link to these rules on the “Representing Yourself” section of our website, www.msnd.uscourts.gov.



In addition you may want to review the [United States Code](#) to see which laws apply to your case. Cornell law's website www.law.cornell.edu and Library of Congress, Guide to Law Online www.loc.gov/law/guide/index.html are good resources for legal research.

In addition to the rules that apply in all *federal* courts, this Court also has [Local Rules](#) that you must follow. It is important to remember that, as a pro se filer, ***you are responsible for knowing and following the court's Local Rules and procedures.*** These rules are available on the court's website under the Representing Yourself tab.

B. What Should I Put in My Complaint?

A civil case in federal court starts when you file your Complaint. You are not required to use a particular form of complaint, but the Clerk's Office has several [Complaint forms](#) on the court's website that you are encouraged to use. These forms will ask you for all the information needed under FRCP 8(a) and 10, which require you to:

1. List the name, address, and telephone number of each plaintiff, and the name and address of each defendant;
2. Say why you believe this court has the power to decide your case (<i>i.e.</i> , that it has jurisdiction over your lawsuit);
3. Explain why you believe that each defendant violated the law and is responsible for your injuries (describe what happened);
4. Number each paragraph in your complaint and limit, as much as possible, each paragraph to a single set of circumstances;
5. State what legal injuries you claim to have suffered and what persons are responsible for each legal injury;

6. Clearly state what you are asking the Court to do if you win; and
7. Sign it (written signature) at the bottom and include the address where you receive your mail. (Each plaintiff must sign.)

If you wish to demand a jury trial, you may file it as a separate document or request it in the Complaint (by putting the words “JURY DEMAND” at the top. This is covered by FRCP 38. **(NOTE: Checking the “Jury Demand” box on the Civil Cover Sheet is not sufficient to request a jury trial.)**

C. Privacy Protection

Certain sensitive information about people involved in the claim cannot be included in documents filed with the Court. For example: social security and drivers license numbers, the names of minor victims, etc. If personal information is necessary for the complaint, personal identifiers must be redacted (blacked out) according to FRCP 5.2. [18 U.S.C. § 3509](#) protects the identity of a minor child victim or witness. Use initials to identify a minor.

D. Civil Case Filing Requirements

In addition to preparing your Complaint, the Local Rules require you to submit a:

1. Civil Cover Sheet:

CIVIL COVER SHEET	
<small>JS 44 (Rev. 03/24)</small> <small>The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service 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. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)</small>	
I. (a) PLAINTIFFS	DEFENDANTS
YOUR NAME	NAME OF FIRST DEFENDANT
(b) County of Residence of First Listed COUNTY YOU LIVE IN <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>	County of Residence of First Listed Defendant COUNTY FIRST DEFENDANT LIVES IN <small>(IN U.S. PLAINTIFF CASES ONLY)</small>
(c) Attorneys <small>(Firm Name, Address, and Telephone Number)</small> YOUR ADDRESS AND PHONE NUMBER	NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys <small>(If Known)</small> LEAVE BLANK UNLESS FILING A NOTICE OF REMOVAL

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**CHOOSE THE BASIS OF JURISDICTION.
ONLY CHOOSE ONE PER CASE.**

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

ONLY FILL THIS OUT IF THE BASIS OF JURISDICTION IS "DIVERSITY"

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 440 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> 463 Alien Detainees <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of	SECURITY <input type="checkbox"/> 1395ff IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

**USE NATURE OF SUIT CODE DESCRIPTIONS
(ATTACHED) TO CHOOSE A CODE TO CHECK.
ONLY CHOOSE ONE CODE PER CASE.**

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed State Court ☐ 3 District Court (specify) ☐ 4 Transfer ☐ 5 District Court - Direct File ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Briefly describe the cause of action: **USING THE NATURE OF SUIT CODE DESCRIPTION, CHOOSE THE STATUTE YOU FEEL APPLIES**

VII. REQUESTED COMPLAINT:

IN ORDER TO DEMAND A JURY, YOU MUST PUT "JURY DEMAND" ON THE TOP OF YOUR COMPLAINT. **UND: CHECKING HERE IS NOT ENOUGH TO DEMAND A JURY TRIAL.** JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

THE DATE

SIGNATURE OF ATTORNEY OF RECORD

YOUR SIGNATURE

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

2. A [Summons in a Civil Case](#) form for each named defendant:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

JANE SMITH,

PLAINTIFF NAME

Plaintiff.

v.

JOHN DOE,

DEFENDANT NAME

Defendant.

CASE NUMBER

Civil Action No. **18-12345**

JUDGE

Hon. **ROBERT WILLIAMS**

SUMMONS IN A CIVIL ACTION

To: **JOHN DOE** **NAME OF DEFENDANT**
If suing more than one defendant, change the name on each summons

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:

PLAINTIFF'S NAME & ADDRESS

JANE SMITH
456 LINCOLN
DETROIT, MI 48226

NOTE: See the Service of Process Guide for further information on serving the summonses. If you are granted permission to file without prepayment of filing fees, the U.S. Marshals will serve the summonses.

3. A money order or certified check for \$405 for the filing fee **OR** a completed [Motion to Proceed without Prepayment of Fees](#),

NOTE: If the filing fee was not paid, the Clerk cannot issue a summons until the judge grants you the right to proceed *in forma pauperis*, or “without payment of fee,” and directs the clerk to issue the summons.

4. Your case will be opened.

When you deliver or mail your complaint to the Clerk (filing by fax or email is never permitted), a deputy clerk will assign it a case number and a judge. The Clerk will use a computerized system to randomly select the district judge and magistrate judge. You will receive a Notice of Assignment notifying you of the case number, the District Judge, and the Magistrate Judge assigned to your case. The Notice of Assignment will be mailed to the address provided on your complaint.

Please do not staple, tape, or crumple your pleadings. All documents must be scanned in order to be filed.

5. ELECTRONIC ACCESS TO COURT RECORDS

Once your case has been opened, you can access your docket to see anything that has been filed in your case and view any documents on www.PACER.gov or by coming to a Clerk’s Office location and using the public terminal in the lobby.

PACER is a separate government agency that maintains electronic access to court records for all courts across the country and is not part of the Clerk’s Office or the Northern District of Mississippi. If you have any issues setting up your PACER account or using this service, you will need to contact the PACER Service Center at 1-800-676-6856 or pacer@psc.uscourts.gov. Setting up a PACER account will allow you to see all documents filed in your case in real time.

How to Read the Docket

U.S. District Court
Northern District of Mississippi (Aberdeen Division)
CIVIL DOCKET FOR CASE #: 1:24-cv-11111

Your Division of
the Northern
District of MS

Your case number

TEST v. TEST
Assigned to: Judge assigned to your case
Cause: 28:1351 Fed. Question

Date Filed: 03/19/2024
Jury Demand: None
Nature of Suit: 190 Contract; Other
Jurisdiction: Federal Question

Plaintiff

TEST PARTY A

V.

Defendant

TEST PARTY B

Document number: Click here to open the pdf of the document. Documents may be referred to by this number, for example "Complaint [Doc. 1]."

Brief description of the document attached. MAKE SURE TO OPEN PDF TO READ FULL DOCUMENT. Save a copy for your records.

Date Filed	#	Docket Text
03/19/2024	1	COMPLAINT, Filing fee \$ 405, receipt number 123456, filed by TEST PARTY A. (Attachments: # 1 Civil Cover Sheet) (jtm)
03/19/2024	2	Summons Issued as to TEST PARTY B. Counsel is instructed to download and print for service. (jtm)
03/19/2024		NOTICE OF ASSIGNMENT. Case assigned to Judge A and Magistrate Judge B. (jtm)

Date the document was filed

Person who filed the document. If a party is pro se, there will be initials in the parenthesis and the docket description may include the name of the pro se party. If a party is represented by an attorney, the attorney who filed the document will appear in the parenthesis.

6. CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE

If all the parties in a civil lawsuit agree, a Magistrate Judge may conduct all proceedings in the case. *See* 28 U.S.C. § 636. Your decision to consent, or not to consent, to the reassignment of the case to a magistrate judge is entirely voluntary and will not affect the outcome of your case if you choose not to consent. The form can be accessed on the website, and consent to Magistrate Judge jurisdiction is usually discussed at the Case Management Conference.

7. MOTIONS - HOW DO I ASK THE JUDGE TO DO THINGS?

A. Communications with the Judge

Parties to a case cannot communicate directly with the Judge in their case outside of court. Anything you wish to tell the Judge about your case should be submitted in writing to the Clerk's Office to be filed on the official docket.

B. Compliance with Local Rules and the Federal Rules of Civil Procedure.

A motion is a document you file in your case to ask the judge to take some action. Be aware of the Local Rules (L.R. 7 and 15) and the Federal Rules of Civil Procedure regarding motions practice. All motions must follow the Local Rules or the court might “strike” or disregard them.

A motion may ask for different types of relief, such as a motion to amend pleadings or a motion to compel discovery. When filing motions:

(1) Please make sure title any motions with a clear description of what you are asking the court to do.

(2) Please clearly label any exhibits to your motion. For example, “Exhibit A,” “Exhibit B,” etc. All exhibits should be attached to the motion.

(3) Please do not staple, tape, or crumple your pleadings. All documents must be scanned in order to be filed.

(4) **A note of caution:** motions should only be filed when necessary; multiple or frivolous motions can result in penalties by the court.

When a motion is filed by either party, the other party may file a response to that motion, explaining why they disagree or agree with the motion.

c. No Automatic Oral Argument or Instant Ruling on Motions

Unless the Judge orders otherwise, most motions will be decided without oral argument or a hearing. Local Civil Rule 7 (6). If the judge decides that a hearing is necessary, an order will be entered, and you will receive notice of the hearing.

The Clerk's Office does not know when a motion will be ruled on and an order entered. The timing will depend on the deadlines for the opposing side to respond, the nature of the case, the judge's trial schedule, and the judge's docket load. When reviewing your motion, the judge will typically review the record and pleadings on file and enter an order that will be provided to all parties of record.

8. DISCOVERY - HOW DO I GET EVIDENCE TO HELP ME PROVE MY CASE?

"Discovery" is the process by which parties give and receive information about the issues in their case before trial. There are five main types of discovery. Each main type is discussed below:

Depositions:	Question-and-answer sessions held before trial. one party to a lawsuit asks another person questions about the issues raised in the lawsuit. FRCP 30 and 31 explain the procedures for taking a deposition. The person taking the deposition must pay the costs associated with it. If the person who will answer the questions is not a party to the lawsuit, FRCP 45 explains how they can be made to appear for questioning.
Interrogatories:	Written questions served on another party to the lawsuit. These questions, unless subject to objections, must be answered under oath. FRCP 33 states the rules for serving interrogatories on another party.

Requests for Production of Documents:	One person asks the other person to turn over documents about the issues in the lawsuit. The person asking for the documents must describe them in enough detail that the other person knows which documents are being requested. FRCP 34 explains how to request documents from the other side in the lawsuit. If the person that you want documents from is not a party to the lawsuit, FRCP 34 and 45 explain how to request their documents.
Requests for Admission:	One side writes out statements that it wants the other side to admit are true. FRCP 36 establishes the requirements for requests for admission.
Physical or Mental Examination:	When the mental or physical condition of a party is at issue in a lawsuit, FRCP 35 allows the Court to order that person to submit to a physical or mental examination. The examination must be done by someone qualified, like a physician or psychiatrist. The party who requested the examination must pay for it.

NOTE: Discovery itself is not filed with the Court. Requests for discovery, and discovery responses are not filed with the court. Instead, you will file a **Notice of Service**, telling the court that you have provided your requests for discovery or actual discovery materials to the other side. For instance, expert disclosures and transcripts of depositions will not be filed. You will simply send a notice that you have sent or received the disclosures or transcripts and that notice will be filed. If you send actual discovery to the court, it will not be filed and will be returned to you.

9. IF I CAN'T FIND A LAWYER, BUT I WANT ONE, WHAT SHOULD I DO?

Even with this handbook, representing yourself in Court may be very difficult. That is why the Court encourages everyone to find a lawyer if possible. There may be alternatives to representing yourself if you are without sufficient funds to hire a lawyer to assist you. There are attorneys and organizations, such as legal aid societies, that may be willing to represent you “pro bono,” that is, free of charge or based on some other arrangement.

A good resource for seeking legal help is the Mississippi Access to Justice Commission, www.msatjc.org. On this website you will find a list of legal resources. Likewise, www.msatjc.org/partners provides a directory of potentially free legal services.

In a **civil** case, a party is **not entitled** by law to an attorney. A pro se litigant who has been granted permission to proceed without the prepayment of fees and is unable to otherwise obtain counsel may file a written motion requesting the court to request an attorney represent you. You should be aware, however, that there are many more litigants making that request than there are attorneys available to volunteer their services. Whether a lawyer is ultimately requested to represent a litigant depends on a number of factors. Sometimes the judges may appoint an attorney for any number of different reasons or purposes. The attorney may be recruited to represent you at trial, to prepare a motion or brief for you, or to represent you at a settlement conference. What role such an attorney performs in any particular case is entirely within the discretion of the court.

10. SANCTIONS - WHAT ARE THEY?

A sanction is a penalty or a punishment ordered by the court against a party to a suit. Pro se litigants are subject to sanctions for some of the same reasons as licensed attorneys. When a party to a lawsuit presents a document to the court, **FRCP 11** requires the party to verify the truth of that document. If a submission to the court is false, improper, or frivolous, the party filing the document may be liable for monetary or other sanctions. Sanctions imposed could be an amount of money to be paid the court or an order to pay the opponent’s attorney fees, which

could be a substantial amount. The judge may also restrict a person from filing any future lawsuit until and unless certain conditions have been met.

11. HOW DO I APPEAL MY CASE?

A party unhappy with the result of a suit in a U.S. District Court may file a motion for new trial or a motion to alter or amend a judgment. The grounds a party must raise to succeed on and the time limits for filing such motions are found in **FRCP 59**.

An appeal from a U.S. District Court shall be taken to the appropriate appellate court. Most appeals from a decision of this court proceed to the [U.S. Court of Appeals for the Fifth Circuit in New Orleans, Louisiana](#). An appeal taken prior to entry of final judgment may be considered prematurely filed.

To start an appeal, you will file a **Notice of Appeal** telling the court to which order you are appealing and which court you wish to which you are appealing, with the Clerk of the District Court (this office). **FRAP 3**. The Clerk's Office has the responsibility to notify the appeals court and all parties that a notice of appeal has been filed. Please review the [Local Rules and Internal Operating Procedures of the Fifth Circuit Court of Appeals](#) for the filings in the Fifth Circuit.

We will accept a Notice of Appeal without prepayment of the required fee, \$605.00, but a fee might be ordered later, or your appeal might be dismissed for failure to pay the required appellate filing fee. You may file an Application to Proceed Without Prepayment of Fees in your appeal. This will be filed in the Northern District Clerk's Office. If you pay the fee to this office by certified check or money order, make it payable to "Clerk, U.S. District Court."

If you file an appeal to the Fifth Circuit Court of Appeals, you will be required to complete the [Transcript Order Form for Appeal](#), even if a trial or hearing was not held. Questions about the status of your appeal before the Fifth Circuit Court of Appeals should be directed to their staff in New Orleans, Louisiana at (504) 310-7700. You may also visit their website at www.ca5.uscourts.gov.

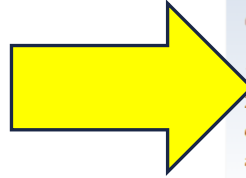
12. LIST OF AVAILABLE FORMS

The forms listed below are among those available from the District Clerk's Office or can be found online at [Non-Prisoner Related Civil Lawsuits | Northern District of Mississippi | United States District Court \(uscourts.gov\)](#):

Representing Yourself in a Civil Case

CLICK HERE IF:

1. you are in jail or prison *and*
2. you wish to file a claim



CLICK HERE IF:

1. you are NOT in jail or prison *and*
2. you wish to file a claim, including employment discrimination lawsuits and social security appeals

NOTICE: BEFORE COMPLETING ANY FORM YOU MUST READ THIS INFORMATION

There are many types of non-prisoner related civil lawsuits. This website offers [general information](#) for filing any type of civil non-prisoner-related complaint in federal court. You MUST read this general information. It also has the following:

- [Complaint form for a non-prisoner-related lawsuit](#);
- [Complaint form for an employment discrimination lawsuit](#);
- [Complaint form for a 1983 civil rights complaint](#) (other than a lawsuit about jail or prison conditions)
- [Complaint form for filing an appeal to District Court from an adverse final agency opinion of the Social Security Administration](#);
- [Pro Se Checklist-12/1/2023](#)
- [Pro Se General Information – 12/1/2023](#)
- [Civil Cover Sheet \(form\)](#)
- [Summons \(form\)](#)
- [Motion to Proceed without Prepayment of Fees \(form\)](#)

These forms are provided for your general reference and use, but you are not required to use these particular forms. You are, however, required to adhere to the [Federal Rules of Civil Procedure](#) and the [local rules](#) adopted in this district. Both are accessible from this website.

You should not rely on this information/forms as a substitute for the advice of a lawyer. Neither the clerk nor court staff may give you any legal advice.

Click on one of the links above for more information on filing, and/or the form complaint you wish to file. Note: you should read the rules and general information before filling out a form.

This webpage is intended to be an informative and practical resource for understanding the basic procedures of the court. The statements on this webpage do not constitute legal advice and may not be cited as legal authority. This webpage does not take the place of the Federal Rules, this court's Local Rules, or the individual practices of the judges of this court. All parties using this webpage remain responsible for complying with all applicable rules of procedure. If there is any conflict between the information on this webpage and the applicable rules, the rules govern.

- A. [Civil Complaint \(General\)](#) and [Civil Cover Sheet](#)
- B. [Motion to Proceed *In Forma Pauperis*](#)
- C. [Summons in a Civil Case](#)

13. DEFINITIONS

A

Admissible Evidence	Evidence that can properly be used at trial for the judge or jury to consider in reaching a decision. See the Federal Rules of Evidence
Affidavit	A written statement of facts confirmed by the oath (notarized signature) of the party making the statements, before a notary or officer having authority to administer oaths.
Affirmative Defenses	Allegations included in the answer that the defendant claims defeat the allegations listed in the complaint under the law.
Affirmed	This means the appellate court has found that the judgment of the trial court is correct and stands.
Allegation	A statement of facts in a complaint or other pleading.
Amount in Controversy	The dollar value of how much the plaintiff is asking for in the complaint.
Answer	The defendants' response to the complaint. The defendant states their defenses and admits, denies, or states they do not have knowledge of the allegations in the complaint.
Appeal	A request made after a trial or final order by a party that has lost on one or more issues asking that a higher court (appellate court) review the trial court's decision to determine if it was correct. To make such a request is "to appeal" or "to take an appeal." One who appeals is called the "appellant;" the other party is the "appellee." See Federal Rules of Appellate Procedure.
Appellant	The party who files an appeal.

Appellate	About appeals; an appellate court has the power to review the judgment of a lower court (trial court or tribunal). For example, the United States Circuit Court for the Fifth Circuit reviews the decisions of the United States District Court for the Northern District of Mississippi.
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B

Bench trial	Trial without a jury in which a judge decides which party wins
Brief	A written statement submitted by a party in a case that explains why the court should decide the case, or particular issues in a case, in that party's favor.
Burden of Proof	Under the law, one party will have the responsibility of proving or disproving the elements of the claim. What must be proven or disproven is called the "burden of proof."

C

Chambers	A judge's office, typically including work space for the judge's law clerks and administrative assistant.
Case law	Written opinions issued in other court cases, which describe the law on a subject. This is publicly available and can be researched on many websites such as Justia.com and caselaw.findlaw.com
Chief Judge	The judge who has primary responsibility for the administration of a court.
Citation	A reference to a law, rule, or case.
Clerk of the Court	An officer appointed by the judges of the court to assist in managing the flow of

	cases through the court, maintain court records, handle financial matters, and provide other administrative support to the court.
Complaint	This document starts a lawsuit. It states the plaintiff's allegations of what happened, their demand for relief, and the basis for the Court's jurisdiction. See <u>www.msnd.uscourts.gov</u> " Representing Yourself " for complaint forms that can be used in this Court.
Contract	An agreement between two or more persons that creates an obligation to do or not to do a particular thing.
Counsel	Legal advice; a term also used to refer to the lawyers in a case.
Court	Government entity authorized to resolve legal disputes. Judges sometimes use "court" to refer to themselves in the third person, as in "the court has read the briefs."
Court of Appeals	A court hearing a challenge to the judgment of a lower court. Most appeals from Northern District of Mississippi cases will be heard by the Fifth Circuit Court of Appeals in New Orleans, LA.
Court reporter	A person who makes a word-for-word record of what is said in court, and then produces a transcript of the proceedings upon request.

D

Damages	Money paid by defendants to successful plaintiffs in civil cases to compensate the plaintiffs for their injuries.
Default	A defendant's failure to file an answer or other response within the required amount of time, after being properly served with the complaint.

Default judgment	A judgment in favor of a party asserting a claim because of the defendant's failure to answer or appear to contest the claim.
Defendant	The person or organization against whom the plaintiff brings suit.
Deposition	An oral statement made before an officer authorized by law to administer oaths. Such statements are often taken to examine potential witnesses, to obtain discovery, or to be used later in trial.
Discovery	The process by which each side to a lawsuit learns about the other side's case by collecting information and documents from each other to "discover" facts about the case. Tools of discovery include, interrogatories, depositions, requests for admissions, requests for documents, etc.
District Judge	A federal judge who is nominated by the President of the United States and confirmed by the United States Senate to a lifetime appointment. Unless the parties consent otherwise, the District Judge makes all substantive decisions that will result in one side or the other winning the suit
Diversity Jurisdiction	A basis for federal court jurisdiction in lawsuits for cases where none of the plaintiffs live in the same state as any of the defendants and the amount in controversy exceeds \$75,000.
Docket	A log maintained by the clerk containing the complete history of each case. A list of the documents filed in the case, with a brief description of the document and a document number. The docket is publicly available on PACER.gov and on the public terminals at the Clerk's Offices in Oxford, Aberdeen, and Greenville.

E

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Equitable Relief	Any relief other than an award of money. For example an injunction stopping a party from taking some action.
Evidence	Information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case in favor of one side or the other.
Exhibits	Documents or other materials that are presented as evidence at trial or as attachments to motions or declarations.

F

Federal question jurisdiction	Jurisdiction given to federal courts in cases involving the interpretation and application of the U.S. Constitution, acts of Congress, and treaties.
File	To place a paper in the official custody of the clerk of court to enter into the files or records of a case. (Once a document has been stamped as received, it cannot be returned.)
FRAP	Federal Rules of Appellate Procedure
FRCP	Federal Rules of Civil Procedure

H

Habeas corpus	<p>A court order that is usually used to bring a prisoner before the court to determine the legality of his imprisonment.</p> <p>Someone imprisoned because of a state court judgment can file a petition in federal court for a “writ of habeas corpus,” under 28 U.S.C. §2254,</p>
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	<p>seeking to have the federal court review whether the state has violated their rights under the U.S. Constitution. Federal prisoners can file habeas petitions as well, 28 U.S.C §2255.</p> <p>A writ of habeas corpus may also be used to bring a person in custody before the court to give testimony or to be prosecuted.</p>
Hearsay	<p>Statements by a witness who did not see or hear the incident in question themselves but heard about it from someone else. Hearsay is usually not admissible as evidence in court.</p>

I

Impeachment	The process of calling a witness's testimony into doubt.
<i>In forma pauperis</i>	Latin for "in the manner of a pauper." Permission given by the court to a person to file a case without prepayment of the required court fees because the person cannot pay them.
Injunction	A court order prohibiting a defendant from performing a specific act, or compelling a defendant to perform a specific act.
Interrogatories	Written questions sent by one party in a lawsuit to an opposing party as part of pretrial discovery in civil cases. The party receiving the interrogatories is required to answer them in writing under oath.

J

Judgment	The final ruling by the court that ends the case in the district court.
Jurisdiction	<ol style="list-style-type: none"> 1. The legal authority of a court to hear and decide a case;

	2. The geographic area over which the court has authority to decide cases.
Jury	A panel of citizens drawn from the general public in the Northern District of Mississippi to determine disputed issues of fact.
Jury instructions	A judge's directions to the jury before it begins deliberations regarding the factual questions it must answer and the legal rules that it must apply.

L

Lawsuit	Also called a case, legal claim or accusation started by a plaintiff against a defendant based on a complaint seeking relief from the court.
Litigation	A case, controversy, or lawsuit. Participants (plaintiffs and defendants) in lawsuits are called litigants.

M

Magistrate Judge	A judicial officer of a district court who conducts many pretrial civil matters to move a case forward. Parties can consent to have the Magistrate Judge rule on their case.
Mistrial	An invalid trial, caused by fundamental error. When a mistrial is declared, the trial must start again with the selection of a new jury.
Motion	A request by a party to a judge for the court to take some action in the case

N

Notice of Assignment	Notice provided to you by the Court notifying you of the judges assigned to your case and your case number.
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O

Opinion	A judge's written explanation of the decision of the court
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P

Party	One of the participants in the case. At the trial level, the parties are typically referred to as the plaintiff and defendant. On appeal, they are known as the appellant and appellee. In a habeas case they are known as the petitioner and respondent.
Plaintiff	The person who files the complaint and claims a legal injury for which they seek relief.
Pleadings	Written statements filed with the court describing a party's legal or factual claims.
Precedent	A court decision in an earlier case with facts and legal issues similar to the case currently before a court.
Pretrial conference	A meeting of the judge and lawyers to plan the trial, discuss which matters should be presented to the jury, review proposed evidence and witnesses, and set a trial schedule. Typically, the judge and the parties also discuss the possibility of settlement of the case.
Pro se	A Latin term meaning "on one's own behalf." In courts, it refers to people who represent themselves in a case.

R

Record	A written account of the proceedings in a case, including all pleadings, evidence, and exhibits submitted in the course of the case.
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Remand	When a federal court sends a case to state court or an appellate court sends a case to a lower court for further proceedings.
Reply	Refers to a document filed in response to the other side's arguments against a motion.
Report and Recommendation	When a district judge asks the magistrate judge to consider an issue, the magistrate judge files a report and recommendation containing their findings. The district judge will either adopt the findings in the Report and Recommendation or overrule them.
Response	A document filed stating arguments against a motion.
Reverse	When an appellate court orders the decision of the trial court should be set aside. Often includes a remand to the lower court for further proceedings.

S

Sanction	The Court may impose a sanction as a punishment on a party or attorney for violating the Court's rules or orders.
Service of process	The delivery of writs or summonses to the appropriate party.
Settlement	Parties to a lawsuit resolve their dispute without having a trial. Settlements often involve the payment by one party in at least partial satisfaction of the other party's claims, but usually do not include the admission of fault.
Statute	A law passed by a legislature.

Statute of limitations	A law that sets the deadline by which parties must file suit to enforce their rights.
Subject Matter Jurisdiction	A federal court has subject matter jurisdiction only as defined by Congress over cases arising (1) under the Constitution, (2) treaties, or (3) laws of the United States and (4) diversity cases in which the parties are from different states and the amount in controversy is greater than \$75,000
Subpoena	A command, issued under authority of a court or other authorized government entity, to a witness to appear and give testimony.
Subpoena Ad Testificandum (for testimony)	A subpoena used to command a person to appear at a certain place and time to provide testimony
Subpoena Duces Tecum (for documents)	A subpoena commanding a person to produce books, documents, or other items.
Summary judgment	A decision made on the basis of statements and evidence presented for the record without a trial. It is used when it is not necessary to resolve any factual disputes in the case as to all or some of the claims.
Supreme Court	The highest federal court. Appeals from U.S. Courts of Appeal can be appealed to the Supreme Court.

T

Temporary restraining order	An order that stops a person or entity from doing something that is likely to cause irreparable harm to the party requesting the order. It's intended to last only until a hearing can be held.
Testimony	Evidence given by witnesses during trials or before grand juries.

Tort	A civil wrong or breach of a duty to another person.
Transcript	A written, word-for-word record of what was said, either in a proceeding such as a trial, or during some other formal conversation, such as a hearing or oral deposition.
Trier of Fact	Either the jury (jury trial) or the judge (bench trial). The trier of fact makes a decision, based on all the evidence presented, whether it is more likely than not a particular fact is true.

U

Uphold	The appellate court agrees with the lower court decision and allows it to stand.
U.S. Attorney	A lawyer appointed by the President in each judicial district to prosecute and defend cases for the federal government. The U.S. Attorney employs a staff of Assistant U.S. Attorneys who appear as the government's attorneys in individual cases

V

Venue	The geographical location in which a case is tried.
Verdict	The decision of a trial jury or a judge that determines the guilt or innocence of a criminal defendant, or that determines the final outcome of a civil case.

Voir dire	The process by which judges and lawyers select a trial jury from among those eligible to serve, by questioning them to make certain that they would fairly decide the case. “Voir dire” is a French phrase meaning “to speak the truth.”
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W

With Prejudice	If a court dismisses claims in your complaint with prejudice, you MAY NOT file another complaint in which you raise those claims again.
Without Prejudice	When a court dismisses your claims without prejudice, you MAY file another complaint in which you raise those claims again.
Witness	A person called upon by either side in a lawsuit to give testimony before the court or jury.
Writ	A formal written command or order, issued by the court, requiring the performance of a specific action.