General Information

Before completing any civil complaint form for persons not in jail or prison, read the following:

A. Preparing the Complaint, Filing the Complaint, and Serving the Complaint

- **JURISDICTION**
  - The United States District Court for the Northern District of Mississippi is a federal trial court with limited jurisdiction; that is, this court is only authorized to decide disputes that involve:
    - a question involving the United States Constitution;
    - a question of federal law;
    - the United States as a party, whether as plaintiff or defendant;
    - a dispute between citizens of different states where the amount in controversy exceeds $75,000
  - If your complaint does not fall under any of these categories, your complaint will be dismissed.

- **THE COMPLAINT (Note: for the form of a complaint, click the back button.)**
  - The complaint form and all other forms must be typewritten or printed clearly. You should answer all questions to the best of your ability. If you need extra space to answer a question, insert an additional page in the appropriate place. Do NOT use the back of the page unless you cannot obtain blank paper. Each Plaintiff must sign the complaint, with the mailing address for each plaintiff provided. You may attach any additional documentation that you have to your complaint.

- **THE CIVIL COVER SHEET**
  - The complaint must be accompanied by a completed civil cover sheet.

- **THE FILING FEE**
  - The filing fee ($400, payable by money order or credit card) must be made payable to Clerk, U.S. District Court when you file your lawsuit. You must submit to the clerk's office a completed summons form for each defendant along with your complaint. The clerk's office will return the issued summons to you for you to serve. Unless the court excuses you from payment of the filing fee, you will be responsible for service of the complaint upon each defendant.

- If you are financially unable to pay the $400 filing fee, you may complete the APPLICATION TO PROCEED WITHOUT PREPAYMENT OR SECURITY FOR FEES AND COSTS form. This is also known as an application to proceed in forma pauperis (IFP), which is a requestto the court to file your complaint without prepayment of costs. If you are allowed to proceed in *forma pauperis*, the U.S. Marshal's Service will serve a copy of your complaint upon each defendant. **However, you are responsible for providing the court with the correct address for each defendant.**
- In completing an IFP application, it is imperative that you answerall questions *truthfully* and *completely*. Be *very specific* about any real estate or vehicles you own and all outstanding mortgages, loans and other debt obligations you owe. Remember, **you are required to sign the affidavit under penalty of perjury which carries punishment for any known misrepresentations or falsehoods made**.
- This IFP application is a motion, or request, to the Court, not a guarantee that you will not pay a filing fee. The petition canbe granted or denied.

- **SUMMONS FORM**
  - You must complete this summons form for each defendant. You may make copies of this form if you need more than one, or printextra copies from the Court's website.
  - Federal Rule of Civil Procedure 4 outlines how a complaint and summons must be served on each defendant. A pro se plaintiffmay not personally physically serve his own complaint on a party.
  - If your complaint concerns a Social Security matter, complete a separate summons for each of the following:

    - Commissioner of Social Security
      By Civil Process Clerk for U.S. Attorney
      900 Jefferson Avenue
      Oxford, MS 38655

    - Commissioner of Social Security
      By Office of Regional Chief Counsel
      1301 Young Street Suite A-702
      Dallas, TX 75202-5433

    - Commissioner of Social Security
      For service upon Attorney General of United States
      950 Pennsylvania Avenue, NW
      Washington, DC 20530-0001

- **COPIES**
  - You must have the following to file your lawsuit:
    - Original of every form required for your lawsuit
    - One copy of your complaint for each defendant named in your complaint
    - Filing fee of $400 OR Application to Proceed Without Prepayment or Security for Fees and Costs
    - Summons for each defendant named in your complaint

- **REQUESTS FOR APPOINTMENT OF COUNSEL**
  - Although a pro se plaintiff may request that the Court appoint an attorney to represent him or her at no cost to the plaintiff, the Court rarely grants this request. Generally, the Court will grant such a request only when representation by a licensed attorney seems to the Court especially justified because of the complexity of the case. When appointment is made, representation is undertaken on a pro bono (literally, "for the good," meant to describe legal services free of charge) basis.
  - Parties in civil cases have no right to be represented by court-appointed counsel. A request for appointment of counsel is made by motion.
  - Until you have a lawyer representing you in the case, you are fully obligated to diligently prosecute your case yourself. This includes responding to discovery requests and the defendant's motions. Do not expect the Court, through its orders, to instruct you on how to prosecute your case. Failure to follow established procedures and/or the Court's orders may result in your having to show cause (demonstrate to the Court) why your case should not be dismissed for lack of prosecution.

- **TAXATION OF COSTS**
  - BEFORE filing suit you should consider the consequences of losing. In some cases, the winning party may ask that you be ordered to pay his/her attorney's fees. Also, the winning party has a presumptive right under Federal Rule of Civil Procedure 54(d)(1) to ask for reimbursement from you of certain costs which it has had to pay during a lawsuit. These costs can include those related to taking and transcribing depositions, witness fees, copy work, etc. These costs can add up to thousands of dollars.

- **PROTECTION OF PERSONAL AND SENSITIVE INFORMATION**
  - Documents filed in this court are accessible over the Internet through the courts' PACER (Public Access to Court Electronic Records) system. Because of this, do not include the following personal information in documents filed with the court:

    - Full Social Security numbers – if an individual's social security number must be included in a pleading, only the last four digits should be used
    - Names of minor children – if the involvement of a minor child must be mentioned, only the initials of that child should be used
    - Dates of birth – if an individual's date of birth must be included in a pleading, only the year should be used
    - Full Financial account numbers – if financial account numbers are relevant, only the last four digits should be used
  - Neither the court nor clerk will review pleadings or other documents for compliance with this rule.

B. Information Regarding Subsequent Filings

- **FILING THE CERTIFICATE OF SERVICE**
  - To file any paper after the complaint, you must submit the original document to the clerk's office. In addition to filing the original document with the court, you must mail a complete copy of each document to ALL other parties, or if they have counsel, to their attorney(s). The document you file must include a certificate of service, attached at the end, which should be in the following form:

Certificate of Service

I hereby certify that a copy of the foregoing was mailed to

_____at _____
(Opposing party or counsel) (Address)

on_____.
(Date) _____
(Your signature)

- **CASE MANAGEMENT CONFERENCE**
  - A Case Management Conference (CMC) will be set by the court after the complaint has been served. Counsel for the parties and the pro se litigants must JOINTLY prepare and submit to the court by a designated date a proposed Case Management Order (CMO). Please install the Adobe Reader software to electronically complete and submit this document. You should review Fed. R. Civ. P. 26 and L.U.Civ.R. 26 in advance of your joint effort to prepare the CMO.

- **DISCOVERY OR DISCLOSURES**
  - You must make pre-discovery disclosures as required by L.U.Civ.R. 26(a). Do not file the actual pre-discovery disclosures and discovery materials with the clerk's office, but you must file a Notice of Service of Discovery or Disclosures to confirm that you have served those materials upon the opposing party or attorney(s).

- **MOTIONS**
  - Any request you make should be filed in the form of a motion for the Court's consideration.
  - If you do not timely respond to a motion filed by another party, you may waive your right to challenge the subject matter of the motion. Applicable time periods are set forth in the Federal Rules of Civil Procedure and the court's Local Rules.

- **COMMUNICATION WITH THE COURT**
  - It is improper to phone or send letters directly to judges regarding cases pending before them. All correspondence should be forwarded to the Clerk of Court, and copies of correspondence should also be sent to all other parties or their attorney(s).

- **CASE NUMBER**
  - Once your case has been opened, the clerk's office will mail you your CASE NUMBER. It is REQUIRED for you to use your case number for all Court business, whether by phone or mail. You must have it available when you call.

C. CHANGE OF ADDRESS

- To ensure prompt delivery of court documents, you must file a notice of change of address with the court any time your address changes. Failure to do so will prevent the court from notifying you of developments in your case and may result in dismissal of your lawsuit.

D. LEGAL ADVICE

- Court personnel, including judges, the Clerk of Court, and all staff, are prohibited by law from giving you legal advice. You should seek legal advice from an attorney or a legal clinic.

E. CONSENT TO RECEIVE NOTICES ELECTRONICALLY

- If you have access to a computer with email capacity and have read, understand, and agree to the terms, you may execute a consent to receive notices electronically.

F. STATUS OF YOUR CASE

- You can obtain information about the status of your case by accessing the docket, an automated chronological summary of all significant events in the history of the case. Every pleading filed is listed on the docket by filing date. You may review the docket on the public access terminals located in the public areas of the Clerk's office. The Clerk's Office will also provide basic docket information to you telephonically.
- You may also access your information electronically through the "Public Access to Court Electronic Records" (PACER) system. To use this system, you must register through PACER; their website is www.pacer.gov. Please refer to the PACER website for more information.