

Instructions: Writing and Filing a Complaint

These forms were prepared by the Justice & Diversity Center, a nonprofit organization, and are not official court forms. They can be used to file non-prisoner, civil lawsuits in the Northern District Court of California.

Checklist

This packet provides a general Complaint form. **This form is also available in a fillable pdf version on the Court's website at www.cand.uscourts.gov/Legal-Help-Center-Templates.** You also need to file some official court forms:

- **Civil Cover Sheet**
- **Summons with Proof of Service**
- **Application to Proceed in Forma Pauperis** (if you cannot pay the \$400 filing fee).

General Instructions

A. **Fill out the Complaint COMPLETELY.** Instructions are provided *in italics* to help you fill in the blanks. You and any other plaintiffs must sign and date the Complaint and other papers you file. **You may have limited time to file your Complaint.**

B. The fee for filing a complaint in this Court is \$400. If you cannot afford to pay, fill out the Application to Proceed In Forma Pauperis (a request for the Court to let you file without paying a fee upfront) and file it with the rest of the forms.

C. Deliver or mail the **original plus three 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 two copies. 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 back to you.

D. Be sure that your Complaint is served on the defendant(s). Read about how to serve the complaint in the Handbook for Pro Se Litigants (see below).

E. You must tell the Clerk right away if your mailing address changes, or you may miss important deadlines, causing you to lose your case.

More Information

This packet does NOT tell you everything you need to know about filing and serving a Complaint. **Before you file your Complaint**, we recommend that you:

- If your case is in the San Francisco/Oakland federal courthouse, make an appointment with the **Legal Help Center** for free legal information and advice by calling 415-782-8982 OR sign up at 450 Golden Gate Ave., S.F., 15th Floor, Room 2796 OR 1301 Clay Street, Oakland, 4th Floor, Room 470S. If your case is in San Jose, make an appointment

with the **Federal Pro Se Program** by calling (408) 297-1480 OR by signing up at 280 South First Street, S.J., Room 2070.

- Read **Chapter 4** of the **Handbook for Pro Se Litigants** for an explanation of how to write a Complaint, available at the Clerk's Office or on the Court's website at www.cand.uscourts.gov/prosehandbk.

1 Your Name: _____
2 Address: _____
3 Phone Number: _____
4 Fax Number: _____
5 E-mail Address: _____
6 Pro Se Plaintiff

8 United States District Court
9 Northern District of California

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13	Plaintiff(s),
14	vs.
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18	
19	Defendant(s).

Case Number: *[leave blank]* _____

COMPLAINT

DEMAND FOR JURY TRIAL

Yes No

21 **1. Parties in this Complaint**

22 a. **Plaintiff(s).** *Write your name, address, and phone number. If there are other*
23 *plaintiffs, use more pages to include their names, addresses, and phone numbers.*

24 Name: _____

25 Address: _____

26 _____

27 Phone number: _____

28

COMPLAINT

PAGE ___ OF ___ [JDC TEMPLATE]

1 **b. Defendant(s).** *Write the full name and address of every defendant. If the defendant is*
2 *a corporation, write the state where it is incorporated and the state where it has its main place of*
3 *business. Use more pages if you need to.*

4 **Defendant 1:**

5 Name: _____

6 Address: _____

7 _____

8 **Defendant 2:**

9 Name: _____

10 Address: _____

11 _____

12 **Defendant 3:**

13 Name: _____

14 Address: _____

15 _____

16 **Defendant 4:**

17 Name: _____

18 Address: _____

19 _____

20 **2. Jurisdiction**

21 *Usually, only two types of cases can be filed in federal court: cases involving “federal*
22 *questions” and cases involving “diversity of citizenship.” Check at least one box.*

23 My case belongs in federal court under federal question jurisdiction because it is
24 about federal law(s) or right(s).

25 *Which law(s) or right(s) are involved?* _____
26 _____

27 My case belongs in federal court under diversity jurisdiction because none of the plaintiffs
28 live in the same state as any of the defendants AND the amount of damages is more than \$75,000.

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3. Venue

This Court can hear cases arising out of Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo, and Sonoma counties. This is the right court to file your lawsuit if 1) All defendants live in California AND at least one of the defendants lives in this district; OR 2) A substantial part of the events you are suing about happened in this district; OR 3) A substantial part of the property that you are suing about is located in this district; OR 4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.

Venue is appropriate in this Court because _____

4. Intradistrict Assignment

There are three divisions of this Court: San Francisco/Oakland, San Jose, and Eureka. The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San Benito, Santa Clara, Santa Cruz counties. The Eureka division covers Del Norte, Humboldt, Lake, Mendocino counties, only if all parties consent to a magistrate judge. Explain which division your case should be assigned.

This lawsuit should be assigned to [Select one: San Francisco/Oakland, San Jose, OR Eureka] Division of this Court because _____

5. Statement of Facts and Claims

Write a short and simple description of the facts of your case. Include WHERE and WHEN the events happened, WHO was involved, WHAT role each defendant played, and HOW you were harmed. If you know which laws or rights the defendant violated, you can include them, but you do not need to make legal arguments. Put each fact or claim into a separate, numbered

1 *paragraph, starting with 5a, 5b, and so on. Attach additional sheets of paper as necessary. You*
2 *may attach documents that support your claims to the end of this Complaint as exhibits. Explain*
3 *what each exhibit is, when and how you got it, and how it supports your claims. Attaching a*
4 *document to your Complaint does not necessarily mean that it will be accepted as evidence.*

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6. Demand for Relief

State what you want the Court to do for you. For example, depending on which claims you raise, it may be appropriate to ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount.

7. Demand for Jury Trial

Check this box if you want your case to be decided by a jury, instead of a judge.

Plaintiff demands a jury trial on all issues.

All plaintiffs must sign, date, and print their names at the end of the Complaint. Attach another page if you need to.

Respectfully submitted,

Date: _____ Sign Name: _____
Print Name: _____