

HOW TO WRITE AND FILE A MOTION

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 about writing and filing a Motion. Before filing your Motion, 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/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/>.

★ WHEN YOU SHOULD USE THIS TEMPLATE

Motions are used to ask the Court to decide something. This template is designed to help you write a Motion for whatever it is you are asking the Court to decide. If you want to file a Motion to Dismiss the

Complaint, Motion to Compel Discovery, or a Motion for Summary Judgment, visit a Legal Help Center for templates for those specific Motions.

★ HOW TO COMPLETE THE MOTION TEMPLATE

1. **Read the Pro Se Handbook** – Chapter 11, “What is a Motion and How Do I Make or Respond to One?” explains more fully about the process of making a Motion.
2. **Choose a hearing date** – Most judges require you to select a hearing date so they can listen to arguments about the motion from you and the other parties. The hearing date is typically 35 days or more after the date you filed the motion. You can get more information on choosing a hearing date from the judge’s page on the Court’s website or from visiting the Legal Help Center. <https://www.cand.uscourts.gov/judges/>
3. **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 and the judge’s name.
4. **Complete the Declaration in support of your Motion** – A “Declaration” is a statement of facts signed under penalty of perjury.
 - a. **Write in the facts:** In the Declaration, write each fact the Court needs to know to decide the Motion. Write only facts that you know about personally. If a person other than you has personal knowledge of the facts, they may also submit a Declaration using the same template.
 - b. **Add exhibits as evidence:** If you want to attach a document to your Declaration as evidence, say what the documents is, how you got it and when. You may want to use this format: “Attached as Exhibit A is a true and correct copy of an email I received from Plaintiff on June 5, 2024.” Mark each exhibit with a letter or a number. Many judges require parties to also tab the exhibit with the letter on the side.
 - c. **Review your Declaration:** Read the Declaration to make sure it is clear, correct, and complete. Fill in the name of the Declaration and the page numbers at the bottom of each page, sign and date.
5. **Complete the Notice and Memorandum** – This document cannot be longer than 15 pages.
 - a. **Notice section:** Fill in all the blanks in the Notice section.
 - b. **Issues section:** List the things you are asking the Court to decide in this Motion. There may be one thing or several. For example:
 1. To allow you to amend your complaint.
 2. Whether this Court is the correct venue for this case.
 3. Whether the Defendant’s subpoena should be narrowed to cover only certain dates.
 - c. **Statement of Facts section:** Repeat each fact stated in the Declaration. At the end of each sentence, state where in the Declaration the Court can find evidence supporting the facts. You may want to use these formats:

“On June 4, 2024, I called Defendant. (Plaintiff Declaration, paragraph 4.)”

“I emailed Plaintiff on June 5, 2024. (Defendant Declaration, paragraph 5 and Exhibit A.)”

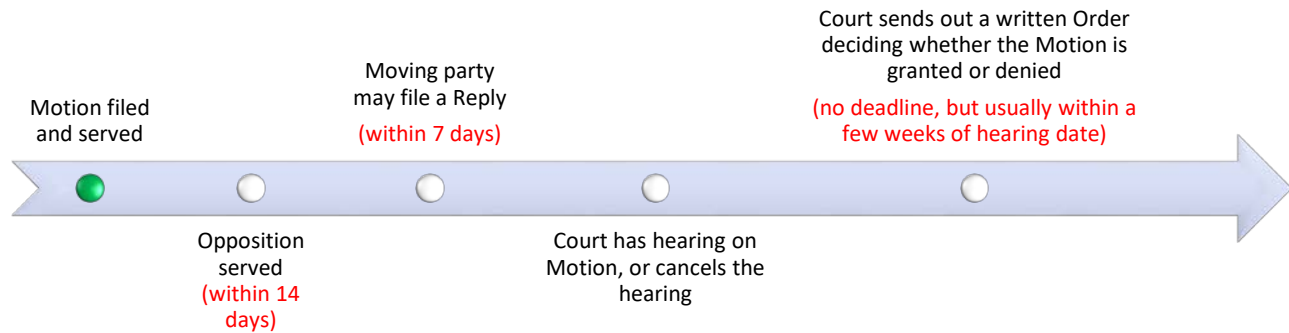
- d. **Argument Section:** State why the Court should decide each issue in your favor and grant your motion. When you mention facts, say where in the Declaration the Court can find the supporting evidence, just as you did in the Fact section. You can add case law or statutes to support your position. If you have questions about any argument, contact the Legal Help Center.
 - e. **Review your Memorandum:** Read the Memorandum to make sure it is clear, correct, and complete. Fill in the page numbers, sign and date. If the Memorandum is longer than 10 pages (excluding the title page), you must add a table of contents and a table of cases and statutes. Insert these after the title page.
6. **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.
 7. **Mark your calendar** – Put the hearing date on your calendar and be sure to show up at Court. You must follow whatever decision is made at or after the hearing and any instructions from the Court.

★ 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/e-file/>.

★ WHAT'S NEXT?

The Court will decide whether to grant your Motion or deny it. The timeline below lists what generally happens after the Motion is filed. The Legal Help Centers (see page 1) can provide guidance about these steps.



★ 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

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

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

11)
12) _____ Case Number: _____
13) _____ **NOTICE AND MOTION** [type of motion]
14) **Plaintiff,** _____
15) **v.** _____
16) _____ **AND MEMORANDUM IN SUPPORT**
17) _____ **DATE:** _____
18) _____ **TIME:** _____
19) _____ **COURTROOM:** _____
20) _____ **JUDGE:** _____
21) **Defendant.** _____ **Hon.** _____

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I. NOTICE OF MOTION

PLEASE TAKE NOTICE that on [date] _____,
at [time] _____, at [courtroom number and address]
_____,
before the Honorable [judge’s name] _____,
I will, and hereby do, move for an order granting this Motion [type of motion]
_____.

The motion will be based on this Notice and Motion, the Memorandum of Points and Authorities
below, the Declaration(s) of [names of people who wrote declarations]

and the [Proposed] Order.

II. ISSUES TO BE DECIDED

Write each question or request that you are asking the Court to decide in this Motion. There may be
one issue, or more. See the “How to Write and File a Motion” instructions for examples.

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III.MEMORANDUM

A. Statement of Facts

Write the facts relevant to the Motion. At the end of each sentence, write where evidence of that fact can be found. See the “How to Write and File a Motion” instructions for examples and more detail.

Add more pages as needed.

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B. Argument

You should have a subsection for each issue that you listed on page 2. Explain why the Court should rule in your favor on each issue. Provide facts and case law/statutes (if you have any). Add more pages as needed.

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[You must sign and date.]

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Respectfully submitted,

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Print Name: _____

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Insert a copy of this page as needed to continue any section, or to write an introduction.

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Your Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Pro Se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

_____)	Case Number: _____
_____)	
)	[PROPOSED] ORDER GRANTING
Plaintiff,)	MOTION [type of motion]
v.)	_____
_____)	_____
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Defendant.)	
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Considering the papers and arguments, and finding good cause, the Motion to [type of motion]

is GRANTED. [Add details of what you have asked the Court to decide.]

IT IS SO ORDERED.

[Do not write below.]

Date: _____

UNITED STATES DISTRICT/MAGISTRATE JUDGE