

Instructions: Writing and Filing a Civil Complaint

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



HOW TO GET LEGAL INFORMATION AND ADVICE

This template provides general guidance. It does *not* tell you everything you need to know about filing and serving a Complaint. *Before filing your Complaint*, make an appointment for free legal information and advice at one of the Legal Help Centers listed below.



If you will file at the San Francisco or Oakland federal courthouse, do one of the following:



Call the appointment scheduling line for the Federal Pro Bono Project: 415-782-8982



Sign up in the appointment book at either:

450 Golden Gate Ave., 15th Floor, Room 2796, San Francisco or
1301 Clay Street, 4th Floor, Room 470S, Oakland



Email us at federalprobonoproject@sfbar.org

This email is to schedule appointments - no legal advice is given over email.



If you will file at the San Jose federal courthouse, do one of the following:



Call the appointment scheduling line for the Federal Pro Se Program: 408-297-1480



Monday to Thursday 9:00 am - 12:00 pm, drop in at

The Law Foundation of Silicon Valley, 152 North 3rd St., 3rd Floor, San Jose

Monday to Thursday 1:00 pm - 4:00 pm, drop in at

280 South 1st Street, 2nd Floor, Room 2070, San Jose



CHECKLIST: DOCUMENTS TO PREPARE

Along with your Complaint, you need to file some official court forms. *These forms are also available* at the Legal Help Centers (see page 1), and in a fillable pdf version on the Court's website at www.cand.uscourts.gov/Legal-Help-Center-Templates.

- Complaint** (see instructions below)




This is a *general* complaint template. Other types of complaint templates are available at the Legal Help Centers. Persons who are incarcerated must use a different, official Court form.

- Civil Cover Sheet** (information form for the Court's internal records)
- Summons with Proof of Service** (the Clerk must sign and stamp the summons you have prepared – the completed summons and complaint will be served on the defendant)
- Application to Proceed in Forma Pauperis** (request that the court waive the \$402 filing fee, if you cannot afford to pay it)



HOW TO COMPLETE THIS COMPLAINT TEMPLATE

- Know your deadlines.** You have limited time to file your complaint.  If you are not sure of the deadline, contact the Legal Help Centers (see page 1).
- Review instructions.** In the Complaint template, instructions are provided *in italics* to guide you. Please read these, as well as Chapter 4 of the Handbook for Pro Se Litigants (see page 4).
- Provide basic information.** Complete pages 1-3 of the Complaint, which provide the Court with information about you (the plaintiff) and the person or entity you are suing (the defendant), the law you are suing under, and why this Court is the correct one to decide this case.
- Write out the facts.** Write a short and simple description of what happened that caused you to file this case. Put each fact into a *separate, numbered* paragraph, starting with paragraph 6. It is usually best to write the facts in the order that they happened. Start with the earliest time and continue until the most recent event. Include *where* and *when* each event happened, *who* was involved, and *what role* each defendant played. If you need more pages for your facts, a blank page for copying is at the end of this packet.
- Write out the claims.** A “claim” explains what kind of legal right you are suing about. You may have one claim or several. For each claim, write in the law or right that was violated. Then, write in the name of the defendant who violated that law. Complete your claim by explaining what the law allows or doesn't allow, what the defendant did to violate that law, and the ways in which you were harmed by what the defendant did. Put each statement into a *separate, numbered* paragraph. You can briefly repeat facts from your statement of facts. You do not need to include legal arguments or case law. There two claim templates in this packet. If you have more than two claims, a blank page for copying is included at the end. If you need help identifying and understanding your claims, make an appointment at the Legal Help Center (see page 1).
- You may attach documents to the end of this Complaint as exhibits, but it is not required. If you do attach an exhibit, explain what it is and how it supports your claim. Attaching a document to

your Complaint does *not* necessarily mean that it will be accepted as evidence, and it does *not* mean that you should leave anything out of the written portion of your Complaint. An exhibit is not a substitute for writing out the details of your claims.

7. Identify your demands.

- a. Complete the Demand for Relief section on the signature page by writing in what you would like the Court to do for you.
- b. If you would like to request a jury trial at the end of your case, check the boxes for Demand for Jury Trial on the front and last pages. Not all claims go to a jury trial.

8. Number the pages. Count the number of pages in your final Complaint. In the bottom left corner of each page, insert the page number and the total.

9. Review and sign your Complaint. Read your Complaint, making sure all blanks are filled in, and to confirm that all of the statements are true. Each plaintiff must sign the complaint. Add an additional signature line for any other plaintiffs.



FILING AND SERVING YOUR DOCUMENTS

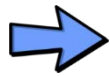
1. **Make two copies.** Once you have completely filled out and signed your Complaint, Civil Case Cover Sheet, Application to Proceed in Forma Pauperis (if needed), and prepared the Summons for the Clerk, make two copies of each document. On one copy of each document, write “Chambers” on the top in pen.
2. Deliver or mail the **original plus two 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 the copy marked “Chambers” of each document. 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 of each document back to you.
3. **Serve the Complaint.** Be sure that the Complaint, Summons, and the documents you received from the Clerk are served on each defendant.
 - a. If you filed an Application to Proceed in Forma Pauperis *and* it is granted, the Court will normally order the U.S. Marshalls to serve each defendant.
 - b. If you did *not* file an Application to Proceed in Forma Pauperis, you will need to have someone serve each defendant. For more information on service, contact the Legal Help Center (see page 1) or read Chapter 8 of the Handbook for Pro Se Litigants.



STAY UP TO DATE

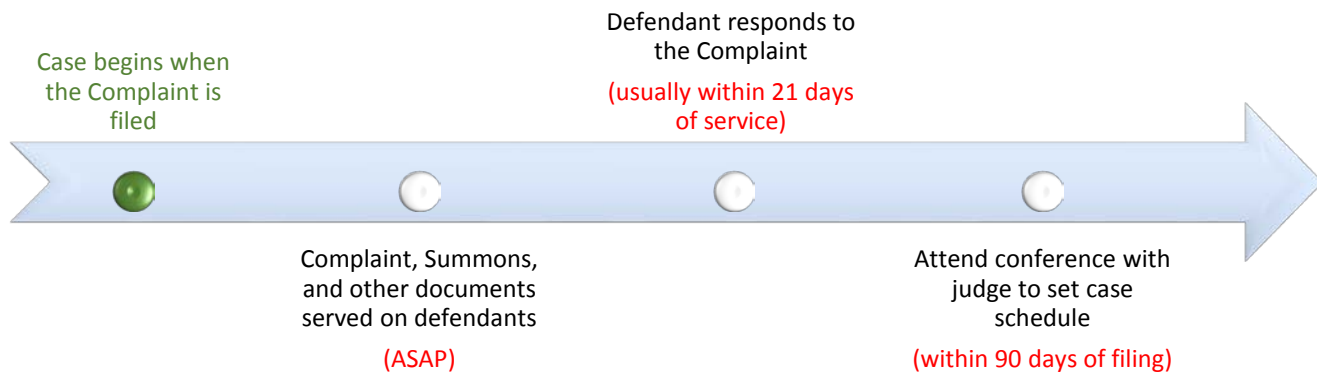
1. **Tell the Court if you move.** You must file a notice with the Clerk right away if your mailing address, email, or phone number changes or you may miss important deadlines, causing you to lose your case.
2. **Check your mail.** Be sure to check your mail regularly for documents from the Court or the opposing side.

3. A list of all of the documents that have been filed, and (usually) the documents themselves can be viewed online. Review Chapter 7 of the Handbook for Pro Se Litigants (see below), and contact the Legal Help Center to learn about accessing the documents (see page 1).



TIMELINE: FIRST STEPS IN A CIVIL CASE

This timeline lists the first few things that happen in a civil case. The Legal Help Centers (see page 1) can provide guidance about these steps, and have many additional templates for documents you may need to file during this time and throughout your case.



UNDERSTANDING THE LAWS AND RULES

The Legal Help Centers (see page 1) are the best resource for people without lawyers. There are other resources available for understanding the laws and rules of the Court:

1. **Handbook for Pro Se Litigants.** The Handbook is for people who are representing themselves and it explains basic court rules and procedures. It was prepared by the Court and is available at the Clerk's Office and on the Court's website at www.cand.uscourts.gov/prosehandbk.
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 <http://www.cand.uscourts.gov/Legal-Help-Center-Templates>.
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 <http://www.uscourts.gov/sites/default/files/rules-of-civil-procedure.pdf>.
4. **Local Rules.** The Local Rules are similar to the Federal Rules of Civil Procedure, but they apply only in this District. They are available at <http://www.cand.uscourts.gov/localrules/civil>.

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

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

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13	Plaintiff,
14	vs.
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19	Defendant.

Case Number [leave blank]

COMPLAINT

DEMAND FOR JURY TRIAL

Yes No

PARTIES

21 1. Plaintiff. *[Write your name, address, and phone number. Add a page for additional*
 22 *plaintiffs.]*

23 Name: _____
 24 Address: _____
 25 Telephone: _____

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 COMPLAINT

2. Defendants. [Write each defendant's full name, address, and phone number.]

Defendant 1:

Name: _____

Address: _____

Telephone: _____

Defendant 2:

Name: _____

Address: _____

Telephone: _____

Defendant 3:

Name: _____

Address: _____

Telephone: _____

JURISDICTION

[Usually only two types of cases can be filed in federal court, cases involving "federal questions" and cases involving "diversity of citizenship." Check at least one box.]

3. My case belongs in federal court

under federal question jurisdiction because it involves a federal law or right.

[Which federal law or right is involved?] _____
_____.

under diversity jurisdiction because none of the plaintiffs live in the same state as any of the defendants and the amount of damages is more than \$75,000.

VENUE

[The counties in this District are: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo, or Sonoma. If one of the venue options below applies to your case, this District Court is the correct place to file your lawsuit. Check the box for each venue option that applies.]

4. Venue is appropriate in this Court because:

- a substantial part of the events I am suing about happened in this district.
- a substantial part of the property I am suing about is located in this district.
- I am suing the U.S. government, federal agency, or federal official in his or her official capacity and I live in this district.
- at least one defendant is located in this District and any other defendants are located in California.

INTRADISTRICT ASSIGNMENT

[This District has three divisions: (1) San Francisco/Oakland (2) San Jose; and (3) Eureka. First write in the county in which the events you are suing about happened, and then match it to the correct division. 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.]

5. Because this lawsuit arose in _____ County, it should be assigned to the _____ Division of this Court.

STATEMENT OF FACTS

[Write a short and simple description of the facts of your case. Include basic details such as where the events happened, when things happened and who was involved. Put each fact into a separate, numbered paragraph, starting with paragraph number 6. Use more pages as needed.]

COMPLAINT

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CLAIMS

First Claim

(Name the law or right violated: _____)

(Name the defendants who violated it: _____)

[Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer back to your statement of facts.]

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_____ **Claim**

(Name the law or right violated: _____)

(Name the defendants who violated it: _____)

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DEMAND FOR RELIEF

[State what you want the Court to do. Depending on your claims, you may 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, or describe the different kinds of harm caused by the defendant.]

DEMAND FOR JURY TRIAL

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

Plaintiff demands a jury trial on all issues.

Respectfully submitted,

Date: _____ Sign Name: _____

Print Name: _____

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COMPLAINT

PAGE ____ OF ____ *[JDC TEMPLATE – 05/17]*