

Instructions: Requesting to Change the Date of a Hearing

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 AND ADVICE

This template provides general guidance for asking the Court to change the date of a hearing. Make an appointment for free legal information and advice at one of the Legal Help Centers.



If your case was assigned to a judge in the San Francisco, Oakland or Eureka 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 your case was assigned to a judge in 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: HOW TO COMPLETE THIS TEMPLATE

- Contact the opposing side.** Before asking the Court to change a court date, you must first see if the opposing side agrees to the change. You will include their response in your Motion.
- 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, the title of the motion that is scheduled for hearing (for example, “Motion to Dismiss”), and the judge’s name.

- Complete Paragraphs 1 and 2.** In Paragraph 1, write in the date on which the hearing is currently scheduled. In Paragraph 2, write in the new date you would like. The new date should be the same day of the week as the current schedule.
- Complete Paragraph 3.** Check the box to show whether you have already asked the Court to move this hearing.
- Complete Paragraph 4.** Explain why you would like to move the date.
- Complete Paragraph 5.** Check the box to show whether moving the hearing date will affect other deadlines in the case. If you’re not sure, make an appointment at one of the Legal Help Centers
- Complete Paragraph 6.** Check the box to show whether the other side has agreed to the new date. If you do not have an answer from the other side yet, explain why.
- Add final details.** At the bottom of each page, write in the name of the motion scheduled for hearing, the case number, and each page number.
- Review and sign your Motion.** Read your Motion, making sure all blanks are filled in, and to confirm that all of the statements are true. Each person submitting the Motion must sign it.
- 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 to complete each part, 1-7.



FILING AND SERVING YOUR MOTION

1. **Make three copies.** Once you have completed and signed your Motion and Certificate, 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 copy for each of them.)
2. **Serve the Motion.** Be sure that the Motion and Certificate are served on each other party.
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. 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.



WHAT'S NEXT

The Court will decide whether to grant your motion or deny it. The Court may grant your motion by moving the hearing to the date you requested, or to another date. *Be sure to check your mail regularly* for an Order from the Court telling you the decision, and for other case-related documents. You must follow the decision the Court makes. If you do not hear from the Court, then assume that the hearing date has not changed and you should be prepared to appear in Court on that date.



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 or phone number changes or you may miss important deadlines, causing you to lose your case.
2. 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 for information about how to access the documents (see page 1).



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. 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 _____
4 Phone Number: _____
5 E-mail Address: _____

6 Pro se

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 Division *[check one]*: San Francisco Oakland San Jose Eureka

11)
12) Case Number: _____
13)
14) **ADMINISTRATIVE MOTION AND**
14) **[PROPOSED] ORDER TO RESCHEDULE**
14) **HEARING ON** *[motion to be heard]*
15)
15) Plaintiff,)
16) vs.) _____
16) _____
17) _____
18) _____
19) _____
20) _____
20) Judge: Hon. _____
21) Defendant.) _____

22
23 1. The hearing on the *[title of motion]* _____
24 _____
25 is currently scheduled for *[date]* _____

26 2. I respectfully request that the Court move the hearing to the following date, or
27 another at the Court's convenience, *[date, same day of the week as the currently scheduled*
28 *hearing]* _____

1 3. I have *[check box that applies]*:

2 not already asked the Court to change this hearing date.

3 already asked the Court to change this hearing date.

4 4. This change is necessary because *[explain; inconvenience is NOT a valid reason]*:

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 5. I believe changing this deadline *[check one]*:

13 will not affect any other deadlines.

14 may affect these other deadlines and dates *[list anything else that may need to*
15 *be rescheduled]*:

16 _____

17 _____

18 _____

19 6. The opposing side *[check box that applies and explain]*:

20 has agreed to this change.

21 has not agreed. I tried to obtain the opposing party's agreement to this change,
22 but was unsuccessful. *[State who you tried to reach, when, and the person's response]*:

23 _____

24 _____

25 _____

26 _____

27 _____

28 _____

MOTION TO RESCHEDULE HEARING ON _____

CASE NO. _____; PAGE ____ OF 3 [JDC TEMPLATE Rev.2017]

1 I declare under penalty of perjury that the above statements are true and correct.

2 Respectfully submitted,

3 Date: _____

Signature: _____

4 Printed name: _____

5 Pro Se

6
7
8
9
10
11 *[Do not write below this line]*

12
13 Good cause appearing, the motion is GRANTED. The hearing is rescheduled to *[date]*

14 _____ at *[time]* _____.

15 IT IS SO ORDERED.

16 Date: _____

[Judge's signature] _____

17 *[Judge's name]* _____

18 United States District/Magistrate Judge

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MOTION TO RESCHEDULE HEARING ON _____

CASE NO. _____; PAGE ____ OF 3 [JDC TEMPLATE Rev.2017]

CERTIFICATE OF SERVICE

You must serve each document you file by sending or delivering to the opposing side. Complete this form, and include it with the Motion to Change Date of Hearing that you file and serve.

1. **Case name:** _____ v. _____

2. **Case number:** _____

3. **Documents served:** Motion and Proposed Order to Change Date of Hearing on *[fill in]*

4. **How was the Motion served?** *[check one]*

Placed in U.S. Mail

Hand-delivered

Sent for delivery (e.g., FedEx, UPS)

Sent by fax (if the other party has agreed to accept service by fax)

5. **On whom was the Motion served?** *[For each person who was sent the document, write their full name and contact information used.]*

_____	_____
_____	_____
_____	_____
_____	_____

6. **When was the Motion served?** _____

7. **Who served the Motion?** *[Whoever puts it into the mail, faxes, delivers or sends for delivery should sign, and print their name and address. You can do this yourself.]*

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Signature: _____

Name: _____

Address: _____