

**Guidelines for A Pro Se Plaintiff
In the U.S. District Court
for the Eastern District of Texas**

These guidelines are designed to help persons who represent themselves in lawsuits become familiar with the rules and procedures which must be followed in this Court. We have tried to simplify our explanation of the procedures; however, employees of the Court cannot give legal advice nor act as your lawyer.

There are two sets of rules that control cases in federal court. One is the Federal Rules of Civil Procedure. A copy of these rules is available at your county's law library or most public libraries. The other set of rules is called the Local Rules for the Eastern District of Texas. You can get a copy of these rules by going to our website (txed.uscourts.gov). You may also request a copy in writing and we will mail you a copy. You must try your best to comply with both sets of rules. The basic steps are as follows:

1. The Complaint: The first step in bringing a suit against someone is to file a complaint. Attached is a complaint form for your use. Just fill in the blanks, sign it and mail it to the Clerk's office. You may either type in the required information or handwrite it neatly in black ink. If you are filing the complaint, you are the "plaintiff." The person you are suing is the "defendant". You must submit an original and one copy of the complaint, plus a copy for each defendant being sued.

2. Filing Fee: A filing fee of \$350.00 is required to file a complaint. A person who cannot afford to pay this fee may request to proceed "*in forma pauperis*" (referred to as "IFP"). To proceed as IFP, a motion must be completed and submitted with the complaint.

3. Cover Sheet: A cover sheet is required to be submitted with the complaint.

4. Summons: Before your lawsuit can be tried, the defendant has to be "served" with a copy of the complaint. "Service" is complete when a "summons" and a copy of the complaint is received by the defendant. Once a defendant is served, the defendant will have to file an answer with the clerk and send a copy to you, the plaintiff. After reviewing your case, the Court will determine how service is to be accomplished. The Court may require that you do the service. If you are ordered by the Court to serve the summons, the Clerk of Court will send you an official summons bearing the Court's seal. You will then be responsible for the service. The usual method of service is by mailing, certified and return receipt requested, a copy of the complaint with the summons. Service must be done by a person over the age of 18 years and who is not a plaintiff in the case. After service is done, the person serving the summons and complaint must complete the reverse side of the summons and return it to you. You then must return it to the Clerk. Attach the green card if service was done by certified mail. See Rule 4 of the Federal Rules of Civil Procedure for more details on the requirement of doing service.

5. Answer: The defendant has 21 days to answer unless the defendant is the United States or an employee thereof. Then the answer is due in 60 days. The answer is filed with the Clerk of Court and the plaintiff is served a copy of it. Default judgment may be granted if the defendant does not file the answer timely.

6. Certificate of Service: After a defendant has answered, any motions or other pleadings filed with the Court by either party shall bear a "Certificate of Service" which shows you have sent a copy of it to the other side. Any paper which fails to include a certificate of service will be returned to you and not filed. A certificate of service looks like this:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded by first class mail [or, delivered in person] to each attorney/party of record on this [put in date].

[Your signature]

7. Judge: Once your case is filed, it will be assigned to a United States District Judge and may be referred to a United States Magistrate Judge for further action. The Clerk of Court will send you a notice that you may consent to the assigned magistrate judge to preside over the case and conduct the trial, by jury or non-jury. The magistrate judge will then enter the final judgment in such a case where the parties consent. Any appeal will be to the United States Court of Appeal for the Fifth Circuit. If you wish to communicate with the judge of your case, you must file a motion with the Clerk of Court (on 8 ½ by 11 inch white paper) and send a copy to the other side. It is improper to call or write a letter directly to the judge presiding over your case.

8. Changes of Address: Your complaint and all other papers filed with the Clerk of Court must include the plaintiff's address and telephone number, and, of course, it must be signed. It is required that you keep the Clerk of Court, and the other side, informed of your current address and telephone number during the entire case. You will receive copies of Court orders and settings from the Clerk of Court. If we do not have your current address, your case may be dismissed.

Sincerely,

David Maland
Clerk of Court
U.S. District Court, Texas Eastern