



**United States District Court
Southern District Of New York
*Pro Se Office***

Loretta A. Preska
Chief Judge

Ruby J. Krajick
Clerk of Court

INSTRUCTIONS FOR FILING A COMPLAINT

Attached are a complaint form and an application to waive the filing fee for an action in this Court. The instructions for completing them are as follows:

- 1. Caption:** The caption is located in the top left corner on the first page of the complaint. You, as the person filing the complaint, are the Plaintiff. The people or entities you allege are responsible for your injuries should be named as the defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, or a corporation. You should state the first and last name of individual defendants. If you do not know the name of a defendant, you should name him or her as "John Doe" or "Jane Doe" and include some descriptive information about that defendant. For example, "John Doe Doctor who worked at 4pm at Manhattan Hospital on January 1, 2006."
- 2. Jury Trial:** You may be entitled to a trial by jury, but you may lose your right to a jury trial if you do not ask for it early enough. You should indicate on the first page of the complaint whether you want a jury trial by checking either "yes" or "no" in the top right corner of the first page of the complaint. You can also demand a jury trial within 14 days of service of the answer. If you do not request a jury trial, but later decide you that you want one, you may request a jury trial by filing a formal motion and explaining why you did not ask for one earlier. The judge does not have to grant this motion.
- 3. Contents:** The form should be completed in full. It can be typed or handwritten, and it must be legible. If you need more space to answer a question, use separate sheets of 8½ x 11-inch paper and attach them to your complaint. You must provide the facts of your case but need not include legal arguments or references to cases. The complaint must contain an original signature (in ink or pencil) from each plaintiff. Photocopies of your signature cannot be accepted. The complaint does not have to be notarized.

4. Copies: You must send the Pro Se Office the original complaint plus two identical copies. You should keep another copy for your records. Copies may be handwritten or typewritten but all copies (including any attached exhibits) must be identical to the original.

5. Fee: The filing fee is \$350.00, plus a \$50 administrative fee (the \$50 administrative fee does not apply to persons granted *in forma pauperis* status) – the total is payable to the “Clerk of Court, USDC, SDNY,” by certified check, bank check, money order, major credit card, or cash (if your complaint is submitted in person). Personal checks are *not* accepted.

6. Inability to pay the filing fee: If you are unable to afford the filing fee, you may ask the Court to waive the fee by completing the enclosed Request to Proceed *in Forma Pauperis* (“IFP Application”) and including it with your original complaint. The caption of this application must be identical to the caption on the complaint. If there is more than one plaintiff in your case, each plaintiff must provide a separate IFP Application. If you are confined in a jail, prison, or any other correctional facility, you must also complete a Prisoner Authorization Form and attach it to the IFP Application. Even if the Court grants a prisoner’s application to proceed *in forma pauperis*, under the Prison Litigation Reform Act of 1995, 28 U.S.C. § 1915(b), the Court must collect the filing fee in installments by debiting your inmate account.

7. Filing: When you have completed the forms, mail the original and two copies of the complaint, along with the full filing fee or the Request to Proceed *In Forma Pauperis* and Prisoner Authorization Form, if applicable, to the Pro Se Office at the address above.

8. Serving the complaint: Do not serve the complaint on any defendants until the Court sends you instructions about service.

9. Language: All papers must be submitted in English. All Court proceedings will be held in English. If you have difficulty understanding or writing in English, you should ask a relative or friend to help you prepare your papers, and you should bring someone to act as your interpreter whenever you come to Court.

10. Questions: If you have any questions, please contact the Pro Se Office, (212) 805-0175, during business hours, 8:30 a.m.–5:00 p.m., Monday–Friday (except federal holidays). Please note that the Pro Se Office cannot accept collect calls.

*** These instructions should not be submitted with your complaint ***

Rev. 05/2013