



**United States District Court
Southern District of New York**

INSTRUCTIONS FOR FILING A COMPLAINT

The instructions for completing a complaint and an application to proceed without prepayment of the filing fee 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 each 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, and include each defendant's badge number, if appropriate. 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 4 pm 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 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 submit the original complaint to the Pro Se Intake Unit. Please keep a copy for your records. If you submit your complaint in person and are paying the filing fee, you must provide one additional copy of your complaint.
- 5. Fee:** The filing fee is \$350.00, plus a \$50 administrative fee (the \$50 administrative fee does not apply to persons granted leave to proceed without prepayment of fees, that is, *in forma pauperis*, or IFP). The total is payable to the "Clerk of Court, USDC, SDNY," by certified check, bank check, money order, major credit card, or cash (credit cards or cash may only be used if your complaint is submitted in person). Personal checks are *not* accepted.

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PRO SE INTAKE UNIT: 212-805-0175

- 6. Inability to pay the filing fee:** If you are unable to afford the filing fee, you may ask for permission to proceed without prepaying the fee by completing an [Application to Proceed Without Prepaying Fees or Costs \(“IFP Application”\)](#) 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 IFP, 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 or bring the original complaint, along with the full filing fee or the IFP Application and Prisoner Authorization Form, if applicable, to the Pro Se Intake Unit at either address below.
- 8. Serving the complaint:** Unless you submitted your complaint and paid the filing fee in person, 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 Intake Unit, (212) 805-0175, during business hours, 8:30 a.m.–5:00 p.m., Monday–Friday (except federal holidays). The Pro Se Intake Unit cannot accept collect calls.

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