

INDIVIDUAL RULES AND PRACTICES IN CIVIL *PRO SE* CASES

**J. PAUL OETKEN
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK**

Pro Se Intake Office

U.S. District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Centre Street, Room 105
New York, NY 10007
(212) 805-0175

1. Each *pro se* party must maintain a current mailing address of record. If a *pro se* party's mailing address changes, he or she must inform the Pro Se Intake Office promptly. If a *pro se* party fails to comply with this rule, his or her claims may be dismissed.
2. Any written communications by a *pro se* party should state the case name and case number — for example, *Jones v. Smith*, 20-CV-1234 (JPO) — and should be sent to the Pro Se Intake Office at the above address. Any urgent questions should be directed to the Pro Se Intake Office at (212) 805-0175.
3. Unless otherwise provided below, communications with the Court by parties represented by counsel shall be governed by Judge Oetken's Individuals Rules and Practices in Civil Cases.

FILING PAPERS

4. *Pro se* parties should file papers by mailing or hand-delivering them to the Pro Se Intake Office, Thurgood Marshall U.S. Courthouse, 40 Centre Street, Room 105, New York, NY 10007. *Pro se* parties should not mail copies of their filings to Judge Oetken's chambers.
5. *Pro se* parties who have internet access are encouraged to (1) consent to electronic service (via ECF or email); or (2) seek the Court's permission to file documents through the ECF system or by email to the Court. Unless the Court grants permission to file documents electronically, all communications with the Court by a *pro se* party must be sent to the Pro Se Intake Office, as noted above.
6. Any *pro se* party who wishes to participate in electronic case filing ("e-filing") must file a Motion for Permission for Electronic Case Filing (available at <http://nysd.uscourts.gov/file/forms/motion-for-permission-for-electronic-case-filing-for-pro-se-cases> and in the Pro Se Office).

7. If a *pro se* party consents to electronic service (via ECF or email) or if the Court grants a motion to participate in “e-filing,” that party will not receive hard copies of any document filed electronically via ECF or served by email.
8. Absent consent to electronic service, counsel appearing opposite a *pro se* party shall serve the *pro se* party with a paper copy of each document that is filed electronically. The Court will not consider submissions filed without an affirmation that the *pro se* party was so served.

DISCOVERY REQUESTS

9. All *pro se* requests for discovery, and responses to discovery requests, should be sent to counsel for the opposing party. Discovery requests and responses should not be sent to the Court or filed on ECF.

MOTIONS

10. **Filing and Service:** Unless otherwise ordered by the Court, papers filed in opposition to a motion must be served and filed within four weeks of service of the motion papers, and reply papers, if any, must be served and filed within two weeks of service of opposition papers.
11. **Pro Se Notices.** Counseled parties who file a motion to dismiss, a motion for judgment on the pleadings, or a motion for summary judgment must provide the *pro se* party with a copy of the notices required under Local Civil Rules 12.1 or 56.2.
12. **Deadline for Summary Judgment Motions.** Unless otherwise ordered by the Court, any motion for summary judgment shall be filed within 14 days after the close of discovery.

TRIAL

13. Within 30 days after the completion of discovery, or 30 days after a decision denying summary judgment (whichever is later), a *pro se* party shall file a concise, written Pretrial Statement. This Statement does not need to take any particular form, but it must contain the following: (1) a statement of the facts the *pro se* party intends to prove at trial; (2) a list of all documents or other physical objects that the party plans to put into evidence at trial; and (3) a list of the names and addresses of all witnesses whom the party intends to have testify at trial. The Statement must be sworn by the *pro se* party to be true and accurate based on the facts known by the party. Two weeks after the *pro se* party files his or her Statement, the other parties shall file and serve a similar Statement of their case containing the same information.
14. Within 30 days after the completion of discovery, or 30 days after a decision denying summary judgment (whichever is later), if the case is to be tried before only a Judge without a jury, any parties represented by counsel must submit proposed findings of fact and conclusions of law. If the case will be tried before a jury, any parties represented by counsel must submit a proposed jury charge. The *pro se* party may also file either proposed findings of fact and conclusions of law or a proposed jury charge within 30 days of the close of discovery, but is not required to do so.

15. Pro Se Clinic. In 2016, a Pro Se Law Clinic opened in this District to assist non-incarcerated people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide a non-incarcerated *pro se* litigant with advice in connection with his or her case. The Pro Se Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and it therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the Pro Se Intake Office). The Clinic is located in the Thurgood Marshall U.S. Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. The Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. An unrepresented party can make an appointment in person or by calling (212) 659-6190.