FILING A COMPLAINT ON YOUR OWN BEHALF

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

Lloyd D. George United States Courthouse
333 Las Vegas Blvd. South
Las Vegas, NV 89101

(702) 464-5400

Bruce R. Thompson United States Courthouse
400 S. Virginia St.
Reno, NV 89501

(775) 686-5800

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I. INTRODUCTION

These procedural guidelines were written and compiled to assist an individual who wishes to file a civil action on his/her own behalf (Pro Se) before the United States District Court for the District of Nevada. These procedural guidelines may also be used by an individual who wishes to file a civil action on his/her own behalf who is found indigent by the court and may proceed without prepayment of costs or fees for filing a complaint in this court. Samples of most documents necessary to initiate an action in federal district court are included in this packet, as well as copies of any federal or local rules referenced in these guidelines.

These guidelines **CANNOT** take the place of an attorney's legal advice. They are by no means comprehensive and are only intended to assist you in understanding the basic terms and procedures required by the court.

This summary is intended only as a general guide. Any documents you file must comply with the Federal Rules of Civil Procedure (Fed.R.Civ.P.) and the District of Nevada Local Rules of Practice. The fact that you are not represented by an attorney does not relieve you of this overriding responsibility. Compliance with these rules is required.

Please be aware that the Clerk's Office staff are prohibited from giving legal advice pursuant to 28 U.S.C. §955. This includes:

- **offering interpretations of rules;**
- **recommending a course of action;**
- **predicting a decision a judicial officer might make on any given matter;**
- **interpreting the meaning or effect of any court order or judgment.**

II. TERMINOLOGY

To familiarize you with words you will hear frequently, the following is a list of some legal terms and their definitions:

ANSWER
A document filed by the defendant in response to the complaint.

COMPLAINT
The document that a plaintiff files with the Clerk of Court to initiate a lawsuit. It contains a clear statement of the important information about the claim(s) of the plaintiff and identifies each defendant. (See Fed.R.Civ.P. 8(a))

COUNSEL
One who has been admitted as an attorney at law to assist his/her client with advice and pleads for him/her in open court.

DEFENDANT
The party that is being sued.

DISTRICT COURT
The United States District Court is a general trial court in the federal judicial system. There is at least one district court in each state. Nevada is a single district state.

DOCKET NUMBER
The number assigned to a case by the court when a new complaint is filed. The first number represents the courthouse where the case was filed, represented by a 2 for Las Vegas or 3 for Reno, followed by the last two digits of the calendar year. The number also includes "CV" distinguishing

a civil case, followed by the number assigned to the case. Lastly, the number includes the initials of the district judge to whom the case is assigned followed by the initials of the magistrate judge. (Example 2:09-CV-01234-LDG-RJJ)

EVIDENCE
A broadly inclusive term that encompasses anything that tends to prove or disprove a fact in controversy. Examples of evidence include testimony, pictures, and documents. Evidence may be capable of being sensed by one of the five senses, as long as it logically tends to prove or disprove a disputed issue of fact and is not otherwise inadmissable under the rules of evidence.

EXHIBIT
Any physical evidence presented to the court other than testimony by a witness. Exhibits include but are not necessarily limited to: documents; records; physical objects; photographs; audio and video recordings; charts; maps; and depositions.

IN FORMA PAUPERIS
To proceed without prepayment of costs or fees for filing a complaint.

JUDGMENT
The official and authentic decision of a court adjudicating with finality the respective rights and claims of the parties to a suit.

JURISDICTION
The power or legal authority of the court to hear and decide a case.

JURY
A panel of individuals drawn from the general public for the purpose of determining disputed issues of fact.

LITIGANT
A party to a lawsuit.

MAGISTRATE JUDGE
A judicial office created by act of Congress. Magistrate judges are appointed to an eight-year term by the District Court Judges. Magistrate judges perform many judicial functions, particularly pretrial matters in both civil and criminal cases, under the supervision of the District Court Judges.

MOTION
A request made to the court for the purpose of obtaining a ruling or order directing an act to be performed in favor of the applicant or movant. The court may either hold a hearing on the motion requiring the parties to appear OR the judge may decide the motion without a hearing. (See LR 7.2 and LCR 12.1)

ORDER
An order is issued by a judge or a magistrate judge and usually directs the plaintiff or the defendant to do something. An order may also be issued to grant or deny a motion.

PLAINTIFF
The person who is filing the complaint against an individual, a corporation or company, or a government agency.

PRO SE
If you are filing a lawsuit on your own and will represent yourself, you are proceeding pro se.

SERVICE OF PROCESS
The service of writs, summonses, or rules to the party to whom they ought to be delivered. Please

note that you cannot serve the summons and complaint of your own lawsuit. Service must comply with the Rules of Civil Procedure.

SUBJECT MATTER JURISDICTION
The power of the court to decide the matter that is brought before it. Examples of subject matter jurisdiction are matters of admiralty or family law (such as divorce or adoption). For instance, the United District Court may exercise subject matter jurisdiction over admiralty cases but not matters involving divorce or adoption. While a party may voluntarily submit to thye court having jurisdiction over the party in the court, there must still be a basis in the law for the court to exercise jurisdiction over the claims that are made in the complaint; that is, a divorce case could not be heard in the U.S. District Court even if both parties consented.

SUMMONS
This is a formal command of the court, directed to the defendant, which informs the defendant that an action has been brought against him/her and an answer is required. (See Fed.R.Civ.P. 4(a))

SUPREME COURT OF THE UNITED STATES
The highest federal court. Although it has limited original jurisdiction, it generally exercises appellate jurisdiction over all lower federal courts and over state courts concerning issues of federal statutory law or the U.S. Constitution. Appeals from the Court of Appeals are taken to the Supreme Court. The Supreme Court hears a limited number of cases each year, based upon a "rule of four": except in those rare instances where an appeal of right exists, four justices must vote to hear a case.

TRIAL COURTS
Trial courts are where actions begin in the judicial system. A legal action ("lawsuit") is filed in the trial court, which determines the facts and applies the law to those facts to either grant or deny a party relief, in a civil action, or to find a party guilty or not-guilty, in a criminal action.

TRIER OF FACT
A trier of fact decides what the facts are from the evidence presented. That is, the trier of fact determines, from all the evidence presented, whether it is more likely than not that a particular fact is true. The trier of fact can be a jury or a judge, sitting without a jury. Certain aspects of legal disputes are generally considered to be exclusively within the power of the trier of fact to decide, such as the credibility of witnesses.

WAIVER OF SERVICE OF SUMMONS
Pursuant to Fed.R.Civ.P. 4(d)(1), service of summons can be waived by the defendant. The "Waiver of Service" with its companion form "Notice of Lawsuit and Request for Waiver of Service of Summons" can be mailed by the Pro Se plaintiff by 1st class mail to each defendant to request the defendant to save costs by not requiring service of process.

III. FILING YOUR CASE: INITIAL PLEADINGS

The complaint must not include any personal identifiers, such as social security numbers (see Fed.R.Civ.P. 5.2(a)). When filing a complaint you must submit the following documents; examples of which are included in this packet as attachments (also refer to Section IV, page 4 of this packet for format information):

1. A civil cover sheet
2. An original plus any additional copies you wish returned of the complaint.
3. An original and one copy of the summons for each named defendant
4. Filing fee made payable to Clerk, U.S. District Court.
   OR
   An original and at least one copy of a motion (request) to proceed in forma pauperis (IFP)

with supporting information regarding your financial status. A copy of this form is included in this packet.

NOTE: The term "**in forma pauperis**" refers to one's inability to pay the fees for filing and serving a complaint.

If filing in forma pauperis (IFP), the original complaint will be filed and assigned the next consecutive civil case number. You have the right to request that the judge order the U. S. Marshal to serve the summons and complaint, although you must describe the extraordinary circumstances that would prohibit you from arranging for service yourself. An original and one copy of each of the documents, including the complaint, are to be provided by the filer. These documents will be forwarded to the judge who is randomly assigned to the case. After reviewing the documents submitted to the court, the judge will determine whether or not you will be granted leave to proceed in forma pauperis. Once a decision has been made, you will receive a copy of the judge's order by mail.

If leave to proceed IFP is denied, your case will be dismissed unless you pay the filing fee.

If IFP is granted, YOU MUST SUBMIT AN ORIGINAL AND ONE COPY OF A SUMMONS PREPARED FOR EACH DEFENDANT AND the clerk will issue the summons(es) AND RETURN THEM TO YOU FOR SERVICE. You will be responsible for initiating service of a summons and the complaint upon each of the other parties in accordance with Rule 4(c) of the Fed.R.Civ.P, a copy of which is included in this packet. You may be able to serve the defendant(s) by mail with your summons and complaint, but only if the defendant(s) agree to service by mail pursuant to the process for requesting a waiver of service as described in Rule 4 of the Fed.R.Civ.P. If you wish to make service by mail, complete Form 398 (Notice of Lawsuit and Request for Waiver of Service), and Form 399 (Waiver of Service of Summons), both of which are included in this packet. If you had requested that the U. S. Marshal make service on your behalf and the judge granted your request, the court will send you various forms to complete and return to the Clerk's Office. The clerk will then issue the summons(es) and forward the documents to the U.S. Marshal's Office for service pursuant to the Federal Rules of Civil Procedure.

If you are paying the [redacted] filing fee, the complaint and all other documents submitted to the court will be filed and assigned the next consecutive civil case number. An original and one copy of each of the documents, including the complaint, are to be provided by the filer. Keep in mind, however, that an original and one copy of the summons form should be prepared for each named defendant. The complaint and supporting documents will be forwarded to the judge who is randomly assigned to the case. If you have submitted summonses, we will issue them and return them to you at the time you file your complaint. You will be responsible for serving the summons and complaint upon the defendant(s) in accordance with Rule 4(c) of the Fed.R.Civ.P. You may be able to serve the defendant(s) by waiver of service, but only if the defendant(s) agree to waiver of service as described in Rule 4(d)(1) of the Fed.R.Civ.P. A copy of Fed.R.Civ.P. 4 is in this packet. If you wish to make service by mail, you may request that defendant(s) waive service by using Form 398 (Notice of Lawsuit and Request for Waiver of Service), and Form 399 (Waiver of Service of Summons), both of which are included in this packet.

IV. OTHER INFORMATION

All documents filed with the court should bear the correct civil docket number and the initials of the district judge and magistrate judge to whom the case is assigned. The case number format will be provided to you by the court at the time a case number and judges are assigned.

Change of Address

If you should change your address, LSR 2-2 requires that you file and serve a written notice of a

change of address. If you do not file a written notice of change of address, service at your old address will still be valid even if you never actually receive the papers.

Format of Documents
All documents shall be submitted for filing on 8 ½ by 11 inch white paper. Pursuant to Fed.R.Civ.P. 11(a), each pleading must be signed by at least one attorney of record or the pro se litigant, if self-represented.

A name, address and telephone number are required on all pleadings. All pleadings and papers must be presented according to the requirements set forth in LR 10-2 and LCR 47-6.

Copies of Documents
If you desire to receive a file stamped copy of any document you submit to the court, you must provide an additional copies of the document. A self-addressed stamped envelope is required if done by mail.

V. FEES

Statutory Regulations
The Judicial Conference of the United States, pursuant to Title 28 U.S.C. §1914(b) and 1930, adopted a schedule of fees for filings in the United States Courts (copy attached). All checks and/or money orders shall be made payable to the Clerk, U.S. District Court.

Advance Payment Required
Fees are due at the time of filing. If no filing fee or application for in forma pauperis status is received with the filing of a summons and complaint, and a filing fee is required, summons will not be issued until the fee requirement is met or in forma pauperis status is granted.
Payment of copy fees or search fees is required at the time the request is made.

VI. OPERATION OF THE CLERK'S OFFICE

General Information
The District Court Clerk's Office in Las Vegas and Reno are open for business between the hours of 9:00 a.m. and 4:00 p.m., Monday - Friday (Except Federal Holidays).

Court's Address
The United States District Court for the District of Nevada has two separate staffed locations:

LAS VEGAS
Lloyd D. George U.S. Courthouse
333 Las Vegas Blvd. South
Las Vegas, NV 89101
(702) 464-5400

RENO
Bruce R. Thompson U.S. Courthouse
400 S. Virginia Street
Reno, NV 89501
(775) 686-5800

Geographic Jurisdiction
The District covers the state of Nevada. However, the District is divided into two unofficial divisions, each named and comprising counties as follows:

Southern Division: Clark, Esmeralda, Lincoln, and Nye Counties.

Northern Division: Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe, and White Pine Counties.

All files and records of the Southern division are kept at Las Vegas and all files and records of the Northern division are kept at Reno. Documents should either be mailed or hand delivered to the appropriate office.

Where to Obtain our Local Rules

The Local Rules of Practice of the United States District Court for the District of Nevada may be obtained from our website, www.nvd.uscourts.gov, (Opinions / Orders / Rules, Local Rules) or upon request from the Clerk's Office Customer Service staff.

Where to Find the Federal Rules of Civil Procedure

The Federal Rules of Civil Procedure (Fed.R.Civ.P.) are available for viewing at the following law libraries:

Clark County Law Library
309 South Third St., Suite 400
Las Vegas, NV 89155
(702) 455-4696

UNLV Law Library
4505 Maryland Pkwy.
Las Vegas, NV 89154
(702) 895-2400

Washoe County Law Library
75 Court St.
Reno, NV 89520
(775) 328-3250

Nevada Supreme Court Law Library
201 S. Carson St., #100
Carson City, NV 89701
(775) 684-1640

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WE ARE HAPPY TO HELP YOU IF WE CAN. HOWEVER, WE ARE ALLOWED TO HELP YOU ONLY IN CERTAIN WAYS, SINCE WE MUST BE FAIR TO EVERYONE.

This is a list of some things the court staff can and cannot do for you.

We can explain and answer questions about how the court works

We can provide you with the number of the local lawyer referral service, legal services programs and other services where you can get legal information

We can give you general information about court rules, procedures, and practices

We can provide court schedules

We can provide you information from your case file

We can provide you with court forms and instructions that are available

We can usually answer questions about court deadlines

We cannot tell you whether or not you should file a case

We cannot give you an opinion about what will happen if you bring your case to court

We cannot tell you what words to use in your court papers

We cannot talk to the judge for you or let you talk to the judge outside of court

We cannot tell you what to say in court

We cannot tell you what you should do next in your case

We cannot provide you a copy of an order until it is filed in by the Clerk's Office

We cannot compute deadlines in your particular case

Since court staff may not know the answers to all questions about court rules, procedures, and practices, and because we don't want to give you wrong information, we have been instructed not to answer questions if we do not know the correct answers. For additional information, please contact a lawyer or your local law library, or visit our web site at www.nvd.uscourts.gov.

ATTACHMENT 1

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ❒ 1 U.S. Government Plaintiff
- ❒ 3 Federal Question (U.S. Government Not a Party)
- ❒ 2 U.S. Government Defendant
- ❒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	❒ 1	❒ 1	Incorporated *or* Principal Place of Business In This State	❒ 4	❒ 4
Citizen of Another State	❒ 2	❒ 2	Incorporated *and* Principal Place of Business In Another State	❒ 5	❒ 5
Citizen or Subject of a Foreign Country	❒ 3	❒ 3	Foreign Nation	❒ 6	❒ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ❒ 110 Insurance
- ❒ 120 Marine
- ❒ 130 Miller Act
- ❒ 140 Negotiable Instrument
- ❒ 150 Recovery of Overpayment & Enforcement of Judgment
- ❒ 151 Medicare Act
- ❒ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ❒ 153 Recovery of Overpayment of Veteran's Benefits
- ❒ 160 Stockholders' Suits
- ❒ 190 Other Contract
- ❒ 195 Contract Product Liability
- ❒ 196 Franchise

REAL PROPERTY
- ❒ 210 Land Condemnation
- ❒ 220 Foreclosure
- ❒ 230 Rent Lease & Ejectment
- ❒ 240 Torts to Land
- ❒ 245 Tort Product Liability
- ❒ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ❒ 310 Airplane
- ❒ 315 Airplane Product Liability
- ❒ 320 Assault, Libel & Slander
- ❒ 330 Federal Employers' Liability
- ❒ 340 Marine
- ❒ 345 Marine Product Liability
- ❒ 350 Motor Vehicle
- ❒ 355 Motor Vehicle Product Liability
- ❒ 360 Other Personal Injury

PERSONAL INJURY
- ❒ 362 Personal Injury - Med. Malpractice
- ❒ 365 Personal Injury - Product Liability
- ❒ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ❒ 370 Other Fraud
- ❒ 371 Truth in Lending
- ❒ 380 Other Personal Property Damage
- ❒ 385 Property Damage Product Liability

CIVIL RIGHTS
- ❒ 441 Voting
- ❒ 442 Employment
- ❒ 443 Housing/ Accommodations
- ❒ 444 Welfare
- ❒ 445 Amer. w/Disabilities - Employment
- ❒ 446 Amer. w/Disabilities - Other
- ❒ 440 Other Civil Rights

PRISONER PETITIONS
- ❒ 510 Motions to Vacate Sentence

Habeas Corpus:
- ❒ 530 General
- ❒ 535 Death Penalty
- ❒ 540 Mandamus & Other
- ❒ 550 Civil Rights
- ❒ 555 Prison Condition

FORFEITURE/PENALTY
- ❒ 610 Agriculture
- ❒ 620 Other Food & Drug
- ❒ 625 Drug Related Seizure of Property 21 USC 881
- ❒ 630 Liquor Laws
- ❒ 640 R.R. & Truck
- ❒ 650 Airline Regs.
- ❒ 660 Occupational Safety/Health
- ❒ 690 Other

LABOR
- ❒ 710 Fair Labor Standards Act
- ❒ 720 Labor/Mgmt. Relations
- ❒ 730 Labor/Mgmt.Reporting & Disclosure Act
- ❒ 740 Railway Labor Act
- ❒ 790 Other Labor Litigation
- ❒ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ❒ 462 Naturalization Application
- ❒ 463 Habeas Corpus - Alien Detainee
- ❒ 465 Other Immigration Actions

BANKRUPTCY
- ❒ 422 Appeal 28 USC 158
- ❒ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ❒ 820 Copyrights
- ❒ 830 Patent
- ❒ 840 Trademark

SOCIAL SECURITY
- ❒ 861 HIA (1395ff)
- ❒ 862 Black Lung (923)
- ❒ 863 DIWC/DIWW (405(g))
- ❒ 864 SSID Title XVI
- ❒ 865 RSI (405(g))

FEDERAL TAX SUITS
- ❒ 870 Taxes (U.S. Plaintiff or Defendant)
- ❒ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ❒ 400 State Reapportionment
- ❒ 410 Antitrust
- ❒ 430 Banks and Banking
- ❒ 450 Commerce
- ❒ 460 Deportation
- ❒ 470 Racketeer Influenced and Corrupt Organizations
- ❒ 480 Consumer Credit
- ❒ 490 Cable/Sat TV
- ❒ 810 Selective Service
- ❒ 850 Securities/Commodities/ Exchange
- ❒ 875 Customer Challenge 12 USC 3410
- ❒ 890 Other Statutory Actions
- ☒ 891 Agricultural Acts
- ❒ 892 Economic Stabilization Act
- ❒ 893 Environmental Matters
- ❒ 894 Energy Allocation Act
- ❒ 895 Freedom of Information Act
- ❒ 900Appeal of Fee Determination Under Equal Access to Justice
- ❒ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ❒ 1 Original Proceeding
- ❒ 2 Removed from State Court
- ❒ 3 Remanded from Appellate Court
- ❒ 4 Reinstated or Reopened
- ❒ 5 Transferred from another district (specify)
- ❒ 6 Multidistrict Litigation
- ❒ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing **(Do not cite jurisdictional statutes unless diversity)**:

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

❒ CHECK IF THIS IS A **CLASS ACTION** UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ❒ Yes ❒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 USC. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity**. Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Your Name
Address
City, State, Zip
Telephone Number

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

Your Name, Plaintiff, vs. Defendant.	CASE NUMBER WILL BE ASSIGNED AT TIME OF FILING COMPLAINT

Jurisdiction
(Separate Paragraph)

Complaint
(Separate Paragraph(s))
COMPLAINT MUST COMPLY WITH RULE 8(a)
(A copy of Rule 8(a) is attached)

Demand
(Separate Paragraph)

Dated: (YOUR SIGNATURE IN INK)
Your name typed or printed
Address
Telephone Number

ATTACHMENT 3

UNITED STATES DISTRICT COURT

for the

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____ . If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: $ _____ , and my take-home pay or wages are: $ _____ per *(specify pay period)* _____ .

3. *Other Income.* In the past 12 months, I have received income from the following sources *(check all that apply)*:

(a) Business, profession, or other self-employment	❒ Yes	❒ No
(b) Rent payments, interest, or dividends	❒ Yes	❒ No
(c) Pension, annuity, or life insurance payments	❒ Yes	❒ No
(d) Disability, or worker's compensation payments	❒ Yes	❒ No
(e) Gifts, or inheritances	❒ Yes	❒ No
(f) Any other sources	❒ Yes	❒ No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: $ _____ .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

_____
Applicant's signature

_____
Printed name

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UNITED STATES DISTRICT COURT

for the

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
	)	
_____	)	
Defendant	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____ was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

.

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

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UNITED STATES DISTRICT COURT

for the

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: _____

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within _____ days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: _____

_____
Signature of the attorney or unrepresented party

_____
Printed name

_____
Address

_____
E-mail address

_____
Telephone number

Print Save As... Reset

UNITED STATES DISTRICT COURT

for the

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

WAIVER OF THE SERVICE OF SUMMONS

To: _____

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

_____
Signature of the attorney or unrepresented party

_____
Printed name of party waiving service of summons

_____
Printed name

_____
Address

_____
E-mail address

_____
Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

Print Save As... Reset

Rule 4. Summons

(a) Contents; Amendments.

(1) Contents. A summons must:

(A) name the court and the parties;

(B) be directed to the defendant;

(C) state the name and address of the plaintiff's attorney or — if unrepresented — of the plaintiff;

(D) state the time within which the defendant must appear and defend;

(E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint;

(F) be signed by the clerk; and

(G) bear the court's seal.

(2) Amendments. The court may permit a summons to be amended.

(b) Issuance. On or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant. A summons — or a copy of a summons that is addressed to multiple defendants — must be issued for each defendant to be served.

(c) Service.

(1) In General. A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.[1]

(2) By Whom. Any person who is at least 18 years old and not a party may serve a summons and complaint.

(3) By a Marshal or Someone Specially Appointed. At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.

(d) Waiving Service.

(1) Requesting a Waiver. An individual, corporation, or association that is subject to service under Rule 4(e), (f), or (h) has a duty to avoid unnecessary expenses of serving the summons. The plaintiff may notify such a defendant that an action has been commenced and request that the defendant waive service of a summons. The notice and request must:

(A) be in writing and be addressed:

(i) to the individual defendant; or

---

[1] Please note that pursuant to Rule 4(m) (see below), service must be made within 120 days after filing the complaint.

(ii) for a defendant subject to service under Rule 4(h), to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process;

(B) name the court where the complaint was filed;

(C) be accompanied by a copy of the complaint, two copies of a waiver form, and a prepaid means for returning the form;

(D) inform the defendant, using text prescribed in Form 5, of the consequences of waiving and not waiving service;

(E) state the date when the request is sent;

(F) give the defendant a reasonable time of at least 30 days after the request was sent — or at least 60 days if sent to the defendant outside any judicial district of the United States — to return the waiver; and

(G) be sent by first-class mail or other reliable means.

(2) Failure to Waive. If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant:

(A) the expenses later incurred in making service; and

(B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

(3) Time to Answer After a Waiver. A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent — or until 90 days after it was sent to the defendant outside any judicial district of the United States.

(4) Results of Filing a Waiver. When the plaintiff files a waiver, proof of service is not required and these rules apply as if a summons and complaint had been served at the time of filing the waiver.

(5) Jurisdiction and Venue Not Waived. Waiving service of a summons does not waive any objection to personal jurisdiction or to venue.

(e) Serving an Individual Within a Judicial District of the United States. Unless federal law provides otherwise, an individual — other than a minor, an incompetent person, or a person whose waiver has been filed — may be served in a judicial district of the United States by:

(1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or

(2) doing any of the following:

(A) delivering a copy of the summons and of the complaint to the individual personally;

(B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or

(C) delivering a copy of each to an agent authorized by appointment or by law to receive

service of process.

(f) Serving an Individual in a Foreign Country. Unless federal law provides otherwise, an individual - other than a minor, an incompetent person, or a person whose waiver has been filed - may be served at a place not within any judicial district of the United States:

(1) by any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;

(2) if there is no internationally agreed means, or if an international agreement allows but does not specify other means, by a method that is reasonably calculated to give notice:

(A) as prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction;

(B) as the foreign authority directs in response to a letter rogatory or letter of request; or

(C) unless prohibited by the foreign country's law, by:

(i) delivering a copy of the summons and of the complaint to the individual personally; or

(ii) using any form of mail that the clerk addresses and sends to the individual and that requires a signed receipt; or

(3) by other means not prohibited by international agreement, as the court orders.

(g) Serving a Minor or an Incompetent Person. A minor or an incompetent person in a judicial district of the United States must be served by following state law for serving a summons or like process on such a defendant in an action brought in the courts of general jurisdiction of the state where service is made. A minor or an incompetent person who is not within any judicial district of the United States must be served in the manner prescribed by Rule 4(f)(2)(A), (f)(2)(B), or (f)(3).

(h) Serving a Corporation, Partnership, or Association. Unless federal law provides otherwise or the defendant's waiver has been filed, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served:

(1) in a judicial district of the United States:

(A) in the manner prescribed by Rule 4(e)(1) for serving an individual; or

(B) by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and — if the agent is one authorized by statute and the statute so requires — by also mailing a copy of each to the defendant; or

(2) at a place not within any judicial district of the United States, in any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2)(C)(i).

(i) Serving the United States and Its Agencies, Corporations, Officers, or Employees.

(1) United States. To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for

the district where the action is brought — or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk — or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) Agency; Corporation; Officer or Employee Sued in an Official Capacity. To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

(3) Officer or Employee Sued Individually. To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

(4) Extending Time. The court must allow a party a reasonable time to cure its failure to:

(A) serve a person required to be served under Rule 4(i)(2), if the party has served either the United States attorney or the Attorney General of the United States; or

(B) serve the United States under Rule 4(i)(3), if the party has served the United States officer or employee.

(j) Serving a Foreign, State, or Local Government.

(1) Foreign State. A foreign state or its political subdivision, agency, or instrumentality must be served in accordance with 28 U.S.C. § 1608.

(2) State or Local Government. A state, a municipal corporation, or any other state-created governmental organization that is subject to suit must be served by:

(A) delivering a copy of the summons and of the complaint to its chief executive officer; or

(B) serving a copy of each in the manner prescribed by that state's law for serving a summons or like process on such a defendant.

(k) Territorial Limits of Effective Service.

(1) In General. Serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant:

(A) who is subject to the jurisdiction of a court of general jurisdiction in the state where the district court is located;

(B) who is a party joined under Rule 14 or 19 and is served within a judicial district of the

United States and not more than 100 miles from where the summons was issued; or
(C) when authorized by a federal statute.

(2) Federal Claim Outside State-Court Jurisdiction. For a claim that arises under federal law, serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant if:

(A) the defendant is not subject to jurisdiction in any state's courts of general jurisdiction; and

(B) exercising jurisdiction is consistent with the United States Constitution and laws.

(l) Proving Service.

(1) Affidavit Required. Unless service is waived, proof of service must be made to the court. Except for service by a United States marshal or deputy marshal, proof must be by the server's affidavit.

(2) Service Outside the United States. Service not within any judicial district of the United States must be proved as follows:

(A) if made under Rule 4(f)(1), as provided in the applicable treaty or convention; or

(B) if made under Rule 4(f)(2) or (f)(3), by a receipt signed by the addressee, or by other evidence satisfying the court that the summons and complaint were delivered to the addressee.

(3) Validity of Service; Amending Proof. Failure to prove service does not affect the validity of service. The court may permit proof of service to be amended.

(m) Time Limit for Service. If a defendant is not served within 120 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

(n) Asserting Jurisdiction over Property or Assets.

(1) Federal Law. The court may assert jurisdiction over property if authorized by a federal statute. Notice to claimants of the property must be given as provided in the statute or by serving a summons under this rule.

(2) State Law. On a showing that personal jurisdiction over a defendant cannot be obtained in the district where the action is brought by reasonable efforts to serve a summons under this rule, the court may assert jurisdiction over the defendant's assets found in the district. Jurisdiction is acquired by seizing the assets under the circumstances and in the manner provided by state law in that district.

Rule 5.2. Privacy Protection For Filings Made with the Court

(a) Redacted Filings. Unless the court orders otherwise, in an electronic or paper filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, a party or nonparty making the filing may include only:

(1) the last four digits of the social-security number and taxpayer-identification number;

(2) the year of the individual's birth;

(3) the minor's initials; and

(4) the last four digits of the financial-account number.

(b) Exemptions from the Redaction Requirement. The redaction requirement does not apply to the following:

(1) a financial-account number that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;

(2) the record of an administrative or agency proceeding;

(3) the official record of a state-court proceeding;

(4) the record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed;

(5) a filing covered by Rule 5.2(c) or (d); and

(6) a pro se filing in an action brought under 28 U.S.C. §§ 2241, 2254, or 2255.

(c) Limitations on Remote Access to Electronic Files; Social-Security Appeals and Immigration Cases. Unless the court orders otherwise, in an action for benefits under the Social Security Act, and in an action or proceeding relating to an order of removal, to relief from removal, or to immigration benefits or detention, access to an electronic file is authorized as follows:

(1) the parties and their attorneys may have remote electronic access to any part of the case file, including the administrative record;

(2) any other person may have electronic access to the full record at the courthouse, but may have remote electronic access only to:

(A) the docket maintained by the court; and

(B) an opinion, order, judgment, or other disposition of the court, but not any other part of the case file or the administrative record.

(d) Filings Made Under Seal. The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

(e) Protective Orders. For good cause, the court may by order in a case:

(1) require redaction of additional information; or

(2) limit or prohibit a nonparty's remote electronic access to a document filed with the court.

(f) Option for Additional Unredacted Filing Under Seal. A person making a redacted filing may also file an unredacted copy under seal. The court must retain the unredacted copy as part of the record.

(g) Option for Filing a Reference List. A filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be filed under seal and may be amended as of right. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information.

(h) Waiver of Protection of Identifiers. A person waives the protection of Rule 5.2(a) as to the person's own information by filing it without redaction and not under seal.

Rule 8. General Rules of Pleading

(a) Claim for Relief. A pleading that states a claim for relief must contain:

(1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;

(2) a short and plain statement of the claim showing that the pleader is entitled to relief; and

(3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HOW TO CALCULATE TIME FOR FILING DOCUMENTS*

Authority: Rule 6 and 5(b) of Federal Rules of Civil Procedure

Under Rule 6(a), the first day from which the time period begins to run is never counted in the calculation, but the last day is counted, unless the last day falls on a Saturday, Sunday, or legal holiday, in which case the period runs until the next business day.

Under Rule 5(b)(2)(C), when a document (other than an original complaint) is served by mail, the time period begins to run from the date the document is sent, not the date it is received. The date the document was sent will appear on the certificate of service which is required to be sent with the document as provided in Rule 5(d)(1). Under Rule 6(d), three additional days are added to the period if the document is served by mail. Refer to Rule 4 for more information on when service by mail is allowed.

Example 1: Plaintiff has 14 days to respond to Defendant's Motion which was **hand delivered** on Friday, August 6, 2010. Calculations begin on August 7th, the day after service. The Response would be due no later than Monday, August 20, 2010.

Example 2: Plaintiff has 14 days to respond to Defendant's Motion which was **mailed** to Plaintiff. Three additional days are added to the Example 1 calculations because the motion was mailed (see Rule 5(b)(2)(C)). The Response by Plaintiff would be due on Thursday, August 23, 2010.

Example 3: Defendant has 21 days to answer or otherwise respond to Plaintiff's complaint which was served on Friday, August 6, 2010. The calculation starts on Saturday, August 7th. The Answer would be due no later than Friday, August 27, 2010.

We hope that you find the above information helpful.

U.S. District Court Customer Services Staff.

****Court Personnel are not permitted to evaluate your case or to offer any sort of advice on how to proceed with your case. We can, however, provide you general information about court rules and procedures. The information above is intended to assist you in calculating the time for filing certain types of documents as required by court order, or by federal or local rules. We cannot perform the calculation for you, nor are we able to make a determination as to whether or not you are calculating the time correctly.***

ATTACHMENT 11

U.S. DISTRICT COURT - SCHEDULE OF FEES
Effective December 1, 2013

Payment may be made in cash (exact change is required), by check or money order, or by credit card if in person. Checks and money orders must be made out to: CLERK, U.S. DISTRICT COURT. A receipt will be provided for each transaction.

CIVIL FILING FEE:. . . . . $ 400.00
$350 filing fee plus $50 administrative fee; admin fee does not apply to prisoner civil rights cases screened under U.S.C. 28 § 1915.

PETITION FOR WRIT OF HABEAS CORPUS:. . . . . $ 5.00

CUBAN LIBERATED CIVIL FILING FEE. . . . . $ 6,355.00
In addition to the standard $350.00 filing fee for an action brought under Title III of the Cuban Liberty and Democratic Solidarity Act of 1996.

MISCELLANEOUS ACTION FILING FEE:. . . . . $ 46.00
To file or index any paper not in a case or proceeding for which a case filing fee has been paid; filing a petition to perpetuate testimony; filing of papers by trustees under 28 U.S.C. 754; filing letters rogatory or letters of request.

REGISTERING A FOREIGN JUDGMENT:. . . . . $ 46.00
To register a judgment from another district pursuant to 28 U.S.C. 1963.

RECORDS SEARCH:. . . . . $ 30.00
To file a requisition for and certifying the results of a search of court for judgments, decrees, other instruments, and suits pending. Fee is for each name searched.

CERTIFICATION:. . . . . $ 11.00
To certify any document or paper, whether the certification is made directly on the document or by separate instrument.

EXEMPLIFICATION.. . . . . $ 21.00

COPYING:.. . . . . $ .10/.50
Copies produced from an electronic format are $.10 per page; copies produced from a physical format are $.50 per page. This fee does not include certification.

LOCAL ATTORNEY ADMISSION:. . . . . $ 200.00
For admission of a local attorney to practice, includes certificate of admission.

OUT-OF-STATE ATTORNEY ADMISSION:. . . . . $ 200.00

For admission of attorney not admitted to the Bar of this Court - $200.00 for EACH Verified Petition.

CERTIFICATE OF GOOD STANDING:. . . . . $ 18.00

For a duplicate certificate of admission or a certificate of good standing.

APPEAL TO NINTH CIRCUIT COURT OF APPEALS:. . . . . $ 505.00

To file an appeal with the Ninth Circuit Court of Appeals. Includes the clerk's $5.00 filing fee and the $500.00 court of appeals docketing fee. Fees are to be paid at the district court.

POWER OF ATTORNEY:. . . . . $ 46.00

To file a power of attorney.

RETRIEVAL FROM FEDERAL RECORDS CENTER:. . . . . $ 64.00*

*For retrieval of one box of records from the Federal Records Center, National Archives, or other storage location removed from the place of business of the Court. For retrieval involving multiple boxes, $39 for each additional box.

APPEAL TO DISTRICT JUDGE:.. . . . . $ 37.00

To file an appeal of a judgment of conviction by a Magistrate Judge in a misdemeanor case

RETURNED PAYMENTS:.. . . . . $ 53.00

For any payment paid into the Court which is returned for lack of funds.

RECORDER CDS:. . . . . $ 30.00

For a copy of a tape recorded from court proceedings.

MICROFILM/MICROFICHE OF COURT RECORD .. . . . . $ 6.00

For each microfiche sheet of film or microfilm jacket copy of any court record, where available.