

Instructions: Writing and Filing a Civil Complaint

This Complaint template can be used by persons who are not incarcerated to file civil lawsuits in the District Court of Nevada. *Using this template does not guarantee any result in your case.*

CHECKLIST: DOCUMENTS TO PREPARE

You need to file some official court forms with your complaint. *These forms are available* on the Court's website at <https://www.nvd.uscourts.gov/court-information/forms/>

- Complaint** (see instructions below)
This is a *general* complaint template. Other types of complaint templates are available at the Legal Help Centers. Persons who are incarcerated must use a different, official Court form.
- Civil Cover Sheet** (information form for the Court's internal records)
- Summons with Proof of Service** (the Clerk must sign and stamp the summons you have prepared – the completed summons and complaint will be served on the defendant)
- Application to Proceed in Forma Pauperis** (request that the court waive the \$402 filing fee, if you cannot afford to pay it)

HOW TO COMPLETE THIS COMPLAINT TEMPLATE

1. **Know your deadlines.** You have limited time to file your complaint. If you are not sure of the deadline, seek out legal assistance.
2. **Provide basic information.** In the Complaint template, instructions are provided *in italics* to guide you. Please read these, as well as the section in the Handbook for Pro Se Litigants entitled, "Basic Procedures for Filing a Lawsuit," starting at page 15. Then initial pages of the Complaint, which provide the Court with information about you (the plaintiff) and the person or entity you are suing (the defendant), the law you are suing under, and why this Court is the correct one to decide this case.
3. **Write out the facts.** Write a short and simple description of what happened that caused you to file this case. Put each fact into a *separate, numbered* paragraph. It is usually best to write the facts in the order that they happened. Start with the earliest time and continue until the most recent event. Include *where* and *when* each event happened, *who* was involved, and *what role* each defendant played. If you need more pages for your facts, a blank page for copying is at the end of this packet.
4. **Write out the claims.** A "claim" explains what kind of legal right you are suing about. You may have one claim or several. For each claim, write in the law or right that was violated. Then, write in the name of the defendant who violated that law. Complete your claim by explaining what the law allows or doesn't allow, what the defendant did to violate that law, and the ways in which you were harmed by what the defendant did. Put each statement into a *separate, numbered* paragraph. You can briefly repeat facts from your statement of facts. You do not need to include legal arguments or case law.

5. You may attach documents to the end of this Complaint as exhibits, but it is not required. If you do attach an exhibit, explain what it is and how it supports your claim. Attaching a document to your Complaint does *not* necessarily mean that it will be accepted as evidence.
6. **Identify your demands.**
 - a. In the Demand for Relief section write in what you would like the Court to do for you.
 - b. If you would like to request a jury trial at the end of your case, check the boxes for Demand for Jury Trial on the first and last pages. Not all claims go to a jury trial.
7. **Number the pages.** Count the number of pages in your final Complaint. In the bottom left corner of each page, insert the page number and the total.
8. **Review and sign.** Read your Complaint, making sure all blanks are filled in, and to confirm that all of the statements are true. Each plaintiff must sign the complaint.

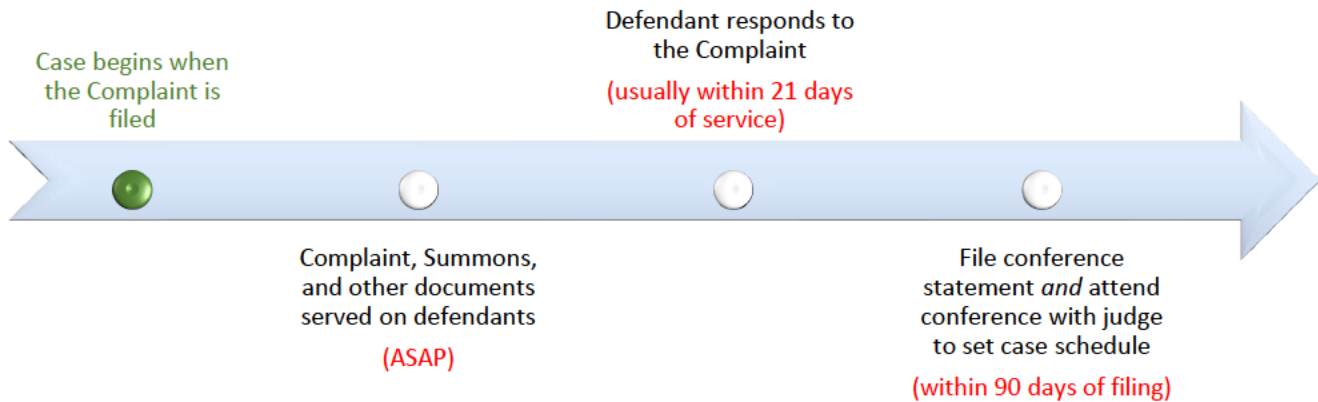
FILING AND SERVING YOUR DOCUMENTS

1. **Make two copies.** Once you have completely filled out and signed your Complaint, Civil Case Cover Sheet, Application to Proceed in Forma Pauperis (if needed), and prepared the Summons for the Clerk, make a copy of each document.
2. Deliver or mail the **original plus two copies** of each form to the Clerk's Office at the federal courthouse where you are filing your case. The Clerk will take the original and the other copy is for you to keep after it is stamped by the Clerk. If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy of each document back to you.
3. **Serve the Complaint.** Be sure that the Complaint, Summons, and the documents you received from the Clerk are served on each defendant.
 - a. If you filed an Application to Proceed in Forma Pauperis *and* it is granted, the Court will normally order the U.S. Marshalls to serve each defendant.
 - b. If you did *not* file an Application to Proceed in Forma Pauperis, you will need to have someone serve each defendant. For more information on service read Chapter 8 of the Handbook for Pro Se Litigants.

STAY UP TO DATE

1. **Tell the Court if you move.** File a notice with the Clerk if your mailing address, email, or phone number changes or you may miss important deadlines, causing you to lose your case.
2. **Check your mail.** Check regularly for documents from the Court or the opposing side.
3. A list of all of the documents that have been filed, and (usually) the documents themselves can be viewed online. Review the section on "Service of Process" of the Handbook for Pro Se Litigants that starts at page 22.
4. **Prepare for what's next.** A complaint only begins the process. There are other resources available, including the *Handbook for Pro Se Litigants*, to help you understand the next

steps in the lawsuit process. The Handbook is for people who are representing themselves and it explains basic court rules and procedures. It was prepared by the Court and is available at the Clerk's Office and on the Court's website.



1 Your Name: _____
 2 Address: _____
 3 Phone Number: _____
 4 Fax Number: _____
 5 E-mail Address: _____
 6 Pro Se Plaintiff

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 8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

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11	
12	Plaintiff,
13	vs.
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18	Defendant.

Case Number: _____

COMPLAINT

DEMAND FOR JURY TRIAL

Yes No

JURISDICTION

[Usually only two types of cases can be filed in federal court, cases involving "federal questions" and cases involving "diversity of citizenship." Check at least one box.]

1. My case belongs in federal court
 under federal question jurisdiction because it is involves a federal law or right.

[Which federal law or right is involved?] _____

under diversity jurisdiction because none of the plaintiffs live in the same state as any of the defendants and the amount of damages is more than \$75,000.

VENUE

1 [Nevada is one "judicial district." Check the box for each venue option that applies.]

2 2. Venue is appropriate in this Court because:

- 3 a substantial part of the events I am suing about happened in this district.
- 4 a substantial part of the property I am suing about is located in this district.
- 5 I am suing the U.S. government, federal agency, or federal official in his or her
- 6 official capacity and I live in this district.
- 7 at least one defendant is located in this District and any other defendants are
- 8 located in California.

9 **INTRADISTRICT ASSIGNMENT**

10 [This District has two unofficial divisions. One is the "Northern Division" covering northern Nevada

11 including Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral,

12 Pershing, Storey, Washoe and Whitepine counties at the courthouse in Reno. One is the "Southern

13 Division" covering southern Nevada including Clark, Esmeralda, Lincoln, and Nye counties at the

14 courthouse in Las Vegas.]

15 3. Because this lawsuit arose in _____ County, it should be

16 assigned to the _____ Division of this Court.

17 **PARTIES**

18 1. Plaintiff. [Write your name, address, and phone number. Add a page for additional

19 plaintiffs.]

20 Name: _____

21 Address: _____

22 Telephone: _____

23 2. Defendants. [Write each defendant's full name, address, and phone number.]

24 Defendant 1:

25 Name: _____

26 Address: _____ [if Defendant is an individual do not list home address, just use county and state]

27 Telephone: _____

28 Defendant 2:

1 Name: _____

2 Address: _____ *[if Defendant is an individual do not list home address, just use county and state]*

3 Telephone: _____

4 Defendant 3:

5 Name: _____

6 Address: _____ *[if Defendant is an individual do not list home address, just use county and state]*

7 Telephone: _____

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STATEMENT OF FACTS

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[Write a short and simple description of the facts of your case. Include basic details such as where the events happened, when things happened and who was involved. Put each fact into a separate, numbered paragraph, starting with paragraph number 6. Use more pages as needed.]

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CLAIMS

First Claim

(Name the law or right violated: _____)

(Name the defendants who violated it: _____)

[Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer back to your statement of facts.]

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_____ **Claim**

(Name the law or right violated: _____)

(Name the defendants who violated it: _____)

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DEMAND FOR RELIEF

[State what you want the Court to do. Depending on your claims, you may ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount, or describe the different kinds of harm caused by the defendant.]

DEMAND FOR JURY TRIAL

[Check this box if you want your case to be decided by a jury, instead of a judge, if allowed.]

Plaintiff demands a jury trial on all issues.

Respectfully submitted,

Date: _____ Sign Name: _____

Print Name: _____

[Copy this page and insert it where you need additional space.]

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