

3.04 | FILING THE COMPLAINT

Once you have prepared the complaint, you must file the complaint in the District Court Clerk's Office. The following procedures regarding copies of the complaint, filing fees, the civil cover sheet and the summons forms must be followed.

1. Copies

You must file the original complaint with the Court and provide the Court with a copy for each defendant you name. If the defendant is the United States, an agency of the United States, or an officer or employee of the United States who is being sued for acts or omissions related to his/her employment, you must provide the Court three (3) copies of the complaint. You should also keep a copy of the complaint for your own records.

2. Filing Fees⁶

Generally, you must pay a filing fee when you file your complaint, and this fee must either be paid in full at the time you present your complaint to the Court for filing or, if you are unable to pay the fee, you must submit an application to proceed in forma pauperis, along with your complaint (discussed below). The current filing fee for a complaint is \$400.00, and payment is due when you file the complaint.⁷

3. Civil Cover Sheet

In addition to the complaint you must also complete a Civil Cover Sheet. This form is used to help the Clerk's Office open your case and gather statistical information. The form is also available on the District Court's website or in the Clerk's Office.

When you complete the form, you will need to include the county of residence of the first listed Plaintiff and Defendant. You will also need to identify the basis of jurisdiction. Federal question jurisdiction (the case involves a violation of federal law or the United States Constitution) and diversity jurisdiction (the plaintiff and defendant are citizens of different states and the case involves an amount of controversy greater than \$75,000) are the two most common.



Complete the form as best as you can. If you do not know how to provide some of the information required, then leave the space for that information blank. Note that the Civil Cover Sheet contains instructions for completing the form on the second page. The District Court's website will also provide the "Nature of Suit" codes to assist you in completing Section IV.

4. Summons

All plaintiffs must complete and submit a summons form for each defendant at the same time the complaint is filed. You need to prepare a summons for each defendant named in your lawsuit. The summons form is available on the District Court's website or from the Clerk's Office. In completing this form, you must: (1) fill out the case caption; (2) provide the name and address where the defendant is to be served with the complaint; and 3) provide your name and address. **Do NOT complete the Proof of Service portion of the summons form until service of process has been completed.**

5. Filing

While you may be able to file your lawsuit in person with the Clerk's office, most filing in federal court is done using an electronic system. The judge may order that you use this electronic system to understand what is happening with your case and to file documents. CM/ECF (Case Management/Electronic Case Files) is the name of this electronic system. Members of the public can gain access to this system using a system called PACER (Public Access to Court Electronic Records). You can contact your District Court Clerk's office to obtain information about how to use PACER to file documents, access documents filed by others (including orders of the judge), print, and download documents.

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Honorable Mention: USNYND, USCAND)

Footnotes

⁶ These procedures for filing fees do not apply to incarcerated individuals. If you are incarcerated, you will need to check the District Court's website or with the Clerk's office for instructions on how to pay the filing fee.



⁷ You should check the District Court's website for further information concerning whether you can pay by cash, check, cashier's check, money order, or credit card.

