

**2.07 | CASE CAPTION**

Following is a sample caption:

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

Your Name,

Plaintiff,

v.

Defendants' Names,

Defendant(s).

---

- CV -

LEAVE THIS BLANK FOR NOW. THE CLERK OF THE COURT WILL ASSIGN A 'DOCKET NUMBER' TO YOUR ACTION WHICH THEY WILL WRITE ONTO YOUR COMPLAINT, AND WHICH YOU SHOULD PUT IN THIS POSITION ON EVERY DOCUMENT YOU FILE AFTER THE COMPLAINT

COMPLAINT

(This is the title.)

You should list the names of all the defendants you wish to sue in the caption. Do not use phrases like 'et al.' or 'etc.' in your caption. Do not use 'John or Jane Doe' unless you do not know the defendant's name. If you know only a nickname, use that in the caption. You will need to describe the defendants more fully in another part of the complaint; if you don't know their names, be prepared to describe them by their titles or positions. It is your obligation as plaintiff to identify the people who you wish to sue.

(2) A short and plain statement of why the court has jurisdiction. Your complaint should be written in short, numbered paragraphs, each of which contains a single idea. The first paragraph should identify the basis of the Court's jurisdiction. You should include in your jurisdictional statement a statement of venue, that is, a statement why you are filing suit in the Western District of New York. Generally speaking, you must bring a federal action in the district in which the defendants reside, or in which the events giving rise to your claim occurred. If your claim arises in or the defendants live in the 17 western-most counties of New York State, then it is properly venued in the Western District of New York.



In a separate paragraph for each individual party, you should identify each party by name, title or some other unique characteristic. You should also indicate where the party lives or maintains a business, or, if the party is a correctional officer, where the party is employed. The location of a defendant's residence or place of business is important for determining venue.

(3) A short and plain statement of the claim showing why you, the plaintiff, are entitled to relief, including a concise statement of the facts. Generally, each statement of a claim should be made in separately numbered paragraphs, with each paragraph limited as far as possible to a statement of a single set of factual circumstances. In short, clear, numbered paragraphs describe the actions or failures to act of the defendant that you believe violated your rights, and identify the legal rights you believe the defendant violated. If the statute under which you are bringing your case requires you to exhaust administrative remedies before filing a federal action, describe your efforts to exhaust those administrative remedies.

(4) A statement of the particular relief sought. Tell the Court what you want to require the defendant to do, whether it is to stop doing something, to start doing something, and/or to pay you monetary damages.

(5) If a party (plaintiff or defendant) wants a jury trial (and is entitled to one by law), he or she must request one either in the complaint or answer, or by filing a separate demand for a jury trial in writing within 10 days after the defendant's answer is served. See Federal Rules of Civil Procedure, Rule 38(b). Failure to timely request a jury trial constitutes a waiver of one's right to a jury trial.

(6) Exhibits to the Complaint - Attach to the complaint any exhibits which are necessary to explain your complaint. Do not send original exhibits to the Court unless you have no ability to obtain photocopies. Any exhibits filed after the complaint is filed must be included as attachments to an affidavit or affirmation which refers to each exhibit and explains why the exhibit is relevant to your case. See Rule re affidavit p. 13.

Sign and date your complaint. The complaint and all subsequent pleadings must include your address and telephone number, and must be signed by you. See, Federal Rules of Civil Procedure, Rules 8-11. It is mandatory that you keep the Clerk of Court informed of your current address and telephone number during the entire lawsuit.



and contact the Clerk's Office as soon as your address changes. Failure to do so is grounds for dismissal of the case. See Local Rules of Civil Procedure, Rule 5.3(d).

*(US District Court, New York, Western District // Buffalo, NY 14202  
Pro Se Litigation Guidelines)*

