

2.08 | THE SUMMONS

A summons is an official court document, signed by the Clerk, directing a defendant to respond to a complaint. A summons for each defendant must be completed and submitted to the Clerk of Court with the complaint. Summonses may be obtained in person from the intake clerk in the Clerk's Office, by mail from the Court's Pro Se Office, and from the Western District Court web site at <<http://www.nywd.uscourts.gov>>.

The summons must show the time by which the defendant is required to respond to the complaint. Defendants generally have twenty (20) days to file an answer after they are served with the complaint; United States government defendants have sixty (60) days. Pursuant to a Standing Order of the Court, defendants in prisoner civil rights cases involving the New York State Department of Corrections and Community Supervision ("DOCCS") and/or employees of DOCCS have 60 days to answer a complaint if the defendant(s) returns a Statement and Acknowledgment of Service by Mail, see N.Y.C.P.L.R. §312-a, within 30 days of being mailed the summons and Complaint and Statement and Acknowledgment of Service by Mail. Defendants in cases seeking review of decisions under the Social Security Act have ninety (90) days to answer. Defendants in cases brought under the Freedom of Information Act have thirty (30) days to answer. Failure to include the response time on the summons is grounds for dismissal of the case. You should also submit to the Clerk a copy of the complaint which you intend to serve on each defendant so that the Clerk can stamp the copies as filed and write on them the case number and judge assigned.

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

