

4.02 | CAPTION FOR NOTICE OF MOTION

The first document is a Notice of Motion.

In the upper left hand corner of your Notice of Motion, copy the caption of your case as it appears on an official document (for example on the order granting or denying you permission to proceed in forma pauperis). In the upper right hand corner, at the same height on the paper as the caption, write the docket number of your case (for example 05-CV-1234C). Below the docket number write "Notice of Motion."

Beneath the caption your motion should say "PLEASE TAKE NOTICE, that the undersigned will bring a motion ____." In the blank space, you should write the relief you want the Court to give you. For example, you might say, "for an order appointing counsel to represent me" or "for an order compelling the defendants to respond to plaintiff's interrogatories" (read Local Rules of Civil Procedure 37 first) or "for an order compelling discovery pursuant to Federal Rules of Civil Procedure Rule 37;" or "for an order granting summary judgment" (Read Local Rules of Civil Procedure and Federal Rule of Civil Procedure 56 first).

Sign your Notice of Motion. The judge's courtroom deputy will schedule your motion according to the judge's calendar, and you will be notified. Most motions do not have an oral argument, but are decided based on the papers alone.

The Notice of Motion is addressed to your opponent and should look like the example below.



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Your Name,

Plaintiff,

NOTICE OF MOTION

_____-CV-_____

v.

_____,

_____,

Defendant(s).

PLEASE TAKE NOTICE, that the undersigned will bring a motion
(state here, briefly, what you are asking the Court to do in your motion)

before this Court on a date and time which will be provided
by the Court later.

(signature of the moving party)

(Print the name and address of the moving party)

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

