

10.01 | GENERAL INFORMATION

1. If you are proceeding in forma pauperis, the Marshal will serve your Summons and Complaint on the defendants. You must mail all subsequent papers to the defendants or their attorney(s) yourself. Except for your complaint, you must send a copy of every legal paper that you send to the Court to the defendant's attorney as well. Once your complaint has been filed and assigned a civil number, all documents submitted to the Court in your case must include your case number. For your own records, you must keep copies of all documents you file; the District Court will not make or mail copies for you. If you are unable to make photocopies or carbon copies, you may submit identical handwritten copies.

2. You must always include an affidavit/affirmation of service indicating that you have served all other parties (or their counsel) with any document you wish to file with the Court once the complaint has been answered; the Court may not consider any document which is not accompanied by your Affidavit/Affirmation of Service.

3. Requests for assigned counsel may be made if you are granted permission to proceed in forma pauperis. However, assignment of counsel is within the discretion of the judge and will generally only be made when the judge believes that your case has made a threshold showing of merit and also that a lawyer is necessary.

4. It is your responsibility to prosecute your own action. Failure to do so may result in the dismissal of your action. It is your responsibility to be aware of the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure. The Federal Rules of Civil Procedure are available in any law library and on the Internet. You may obtain a copy of the Western District's Local Rules from the Clerk's Office or from the Court's web site. (Note especially the rules regarding discovery matters, the requirements for the parties when there are motions for summary judgment, and Rule 11.)

5. You must notify the Clerk's Office and all defendants (or their attorneys) immediately of any address changes. Failure to do so may result in dismissal of your action.

6. If there is more than one plaintiff, each and every plaintiff must sign the complaint individually and must apply separately for permission to proceed in forma pauperis, if applicable.

7. You must file original papers with the Clerk of Court. (The document may be a copy but your signature must be an original.)



The requirement that you file original papers has been interpreted to mean that the signature on the papers must be original. If you sign all of your papers before photocopying them, make sure to send the one with the original signature to the Court. If you use carbon paper, make sure the Court receives a copy (or the original) that has an original signature on it. Do not send originals of exhibits to the Court (send copies and retain the originals in your own files), and do not send any exhibits to the Court unless you have included them as attachments to the complaint or to an affidavit or affirmation which references each exhibit and explains its relevance to your case. (Generally, exhibits are used either in the context of a summary judgment motion or as evidence at trial, but not before.)

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

