



**USNYWD'S PRO SE HANDBOOK
CHAPTER 1: A FEDERAL LAWSUIT
[ALL-IN-ONE DOCUMENT]**

Pro Se Handbook
Chapter 1
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PRO SE HANDBOOK

US DISTRICT COURT, NEW YORK, WESTERN DISTRICT

CHAPTER: 1 A FEDERAL LAWSUIT

AUTHOR: US DISTRICT COURT, NEW YORK, WESTERN DISTRICT

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ITEMS: 1.01 through 1.02



1.01 | JURISDICTION OF THE UNITED STATES DISTRICT COURT

In order for a federal court to hear a case, it must have jurisdiction over the particular action and the parties to the action. Federal court jurisdiction may be based on either

- (1) a federal question or
- (2) diversity of citizenship.

A federal question case is one that alleges that a federal law, either a statute or a federal constitutional provision, has been violated. A case's federal jurisdiction is based on diversity of citizenship when the parties reside in different states and the amount in controversy is \$75,000 or more. In New York State, the Supreme Court of the State of New York is the court of general jurisdiction -- it can hear and decide any kind of legal controversy between two parties. Therefore, if there is no federal statute or federal constitutional provision governing your situation, and you and the defendant are citizens of the same state, you should consider bringing your action in state court.

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



1.02 | ELECTRONIC FILING

The United States District Court for the Western District of New York utilizes a Case Management and Electronic Case Filing (CM/ECF) system which requires all documents submitted to the court be filed electronically and, thereby, made available on the internet through a file access system called PACER. Pro se litigants cannot file documents electronically and must file hard-copies of all documents with the Clerk's Office. All pro se litigants must be aware that even though they cannot file their documents electronically, all documents filed by them (except in Social Security Appeals, see pp. 36-37) are electronically scanned by the Clerk's Office and can be accessed by anyone on the internet with a PACER account. Accordingly, all litigants must be careful not to include personal and confidential information in their documents without first redacting it (crossing out) because those documents may be accessed by the public on the internet. (Note: All case files are available at the Clerk's Office for review by anyone unless the case file or a particular document have been ordered sealed by the Court). For specific information and directions regarding electronic case filing and privacy concerns, including directions on how to redact personal and confidential information and how to ask the Court to seal a case file or specific document, See the Court's Privacy Notice, pp. 36-37. The Court's Privacy Notice can also be obtained from the Clerk's Office and on the Court's website.

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Pro Se Litigation Guidelines)*



APPENDIX



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