



**USNYWD'S PRO SE HANDBOOK
CHAPTER 13: INSTRUCTIONS FOR FORMS USED
FOR FILING SPECIFIC CASES
[ALL-IN-ONE DOCUMENT]**

Pro Se Handbook
Chapter 13
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PRO SE HANDBOOK

US DISTRICT COURT, NEW YORK, WESTERN DISTRICT

CHAPTER: 13 INSTRUCTIONS FOR FORMS USED FOR FILING
SPECIFIC CASES

AUTHOR: US DISTRICT COURT, NEW YORK, WESTERN DISTRICT

DATE: January 1, 2017

ITEMS: 13.01 through 13.04



13.01 | INTRO - FILING SPECIFIC CASES

The next few pages include directions for forms used for filing specific types of cases. Please read those instructions if you are filing papers in that type of case. Pay particular attention to privacy considerations previously discussed as you fill out the forms provided by the Court for those types of cases. Forms are available from the Clerk's Office or at <http://www.nywd.uscourts.gov>. Please note that these are not the only cases that can be filed, but are the most common ones filed. The Clerk's Office does not have forms for all the different types of cases one may wish to file, and in those instances one will have to write their own complaint.

- A. Habeas Corpus Petitions
- B. Social Security Appeals
- C. Title VII Employment Discrimination Claims

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



13.02 | HABEAS CORPUS PETITIONS

PETITION UNDER 28 U.S.C. §2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

NOTE: If you are attacking a judgment which imposed a sentence to be served in the future, you must fill in the name of the state where the judgment was entered. If you have a sentence to be served in the future under a federal judgment which you wish to attack, you should file a motion under 28 U.S.C. §2255 in the federal court which entered the judgment.

Check the Western District's web site at www.nywd.uscourts.gov for copies of many of the Court's forms and other useful information.

INSTRUCTIONS - READ CAREFULLY

(1) This petition must be legibly handwritten or typewritten, and signed under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.

(2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.

(3) Upon receipt of a fee of \$5.00, your petition will be filed if it is in proper order.

(4) If you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with a motion of this type, you may request permission to proceed in forma pauperis, in which event you must execute the Court's form motion to proceed in forma pauperis, setting forth information establishing your inability to pay the costs. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

(5) Only judgments entered by one court may be challenged in a single motion. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions as to each court.



(6) You must include all grounds for relief and all facts supporting such grounds for relief in the petition you file. You may not be permitted the opportunity to raise any claim in a second or successive habeas corpus application that was not presented in the original habeas corpus application. 28 U.S.C. §2254(e).

(7) A one-year statute of limitations applies to an application for a writ of habeas corpus; the limitations period runs from the latest of several different points in time, so you must check the statute to see which date applies to your petition. 28 U.S.C. §2244(d)(1).

(8) When the petition is fully completed, the original and at least two copies must be mailed to the Clerk of the United States District Court at one of the following addresses:

200 U.S. Courthouse	2120 U.S. Courthouse
2 Niagara Square	100 State Street
Buffalo, New York 14202	Rochester, New York 14614
(716) 551-1500 or (716) 551-1700	(585) 613-4000

(9) Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

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13.03 | SOCIAL SECURITY APPEALS

The special packet for Social Security Appeals may be obtained in person from the intake clerk in the Clerk's Office, by mail from the Pro Se Office, and from the Western District Court web site at <<http://www.nywd.uscourts.gov>>.

Please be sure to read the privacy information discussed earlier regarding what should not be included in your appeal papers.

Fill out the complaint form completely, supplying all requested information in the spaces provided, especially the dates of final decisions by the Social Security Appeals Council. You will need to submit a total of four copies of the complaint: one for the Court, one for the defendant, one for the United States Attorney, and one for the United States Attorney General. Be sure to sign the complaint. Keep one copy for your own personal file.

Attach copies of the Social Security Appeals Council decision and the Office of Hearings and Appeals decision to each copy of the complaint. Be sure to provide all docket numbers and courts of any prior federal cases.

Fill out the "Summons for a Civil Action" (one original and four copies) as follows:

- (a) Print your name as plaintiff;
- (b) Print "Secretary of Department of Health and Human Services" as defendant;
- (c) Since you do not have an attorney, print: (1) your own name; (2) "Pro Se" and (3) your address in the line following, "You are hereby summoned and requested to serve upon..."
- (d) Cross out "Plaintiff's Attorney"; and
- (e) Put "90" in the space before "days after service of this summons".

Fill out the "Civil Cover Sheet" according to these instructions:

- (a) Print your name as Plaintiff;
- (b) Print "Secretary of Health and Human Services" as Defendant;
- (c) Print "Pro Se" under Plaintiff's Attorney;
- (d) Put "United States Attorney, Buffalo, New York" as Defendant's Attorney;



- (e) Basis for Jurisdiction: check Box No. 2: U.S. Defendant;
- (f) Citizenship of Principal Parties: leave blank;
- (g) Cause of Action: "42 U.S.C. §405(g)" and "Judicial Review of Social Security Administrative Decision";
- (h) Nature of Suit:
 - (1) if your claim is for Social Security Disability, check Box No. 863: DIWW;
 - (2) if your claim is for Supplemental Security Income, check Box No. 864: SSID Title XVI.
- (i) Origin: check Box No. 1: Original Proceeding;
- (j) Requested in Complaint: leave blank;
- (k) Related Case(s) if any: if you have ever filed another federal lawsuit relating to social security benefits, write the name of the court and the docket number; and
- (l) Date and sign your name followed by "Pro Se" on the last line.

Fill out the three United States Marshal's forms according to these instructions. Do not make any entries other than those indicated below:

- (a) Do not detach or remove any of the copies from this form;
- (b) Plaintiff: print or type your name;
- (c) Defendant: print or type "Secretary of Department of Health and Human Services";
- (d) Court number: leave blank
- (e) (e) To the right of the large black arrow:
 - (1) on one form, print or type "Office of General Counsel, Social Security Administration, Room 611 Altmeyer, 6401 Security Boulevard, Baltimore, MD 21235"
 - (2) on the second form, print or type "Attorney General of the United States, Main Justice Building, 10th and Constitution Avenues NW, Washington, DC 20530"
 - (3) on the third form, print or type "United States Attorney, 138 Delaware Avenue, Buffalo, NY 14202";



(f) Type of writ: print or type "Summons and Complaint";

(g) In block marked "Send Notice of Service Copy to Name and Address below", print or type your name and address; and

(h) In block marked "Name and Signature of Attorney or Other Originator", sign your name, followed by "Pro Se", provide your telephone number and date the form.

IMPORTANT: If you cannot pay the filing fee and are applying for permission to proceed as a poor person, no papers will be served upon the defendants until the District Judge has granted you permission to proceed as a poor person and directed the United States Marshal to serve the complaint.

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



13.04 | TITLE VII EMPLOYMENT DISCRIMINATION CLAIMS

The special packet for Title VII Employment Discrimination Cases may be obtained in person from the intake clerk in the Clerk's Office, by mail from the Pro Se Office, and from the Western District Court web site at <<http://www.nywd.uscourts.gov>>. To start an action you must file an original and one copy of your complaint for each defendant you name. For example, if you name two defendants, you must file the original and two copies of the complaint. You should keep an additional copy of the complaint for your records. Attach to the back of each complaint one copy each of the following documents:

- a) Original complaint filed with the EEOC
- b) Notice of Right to Sue letter from the EEOC (make sure you include the date of the letter in the proper place on the complaint form)
- c) Determination made by the EEOC on your charge filed there

Fill out the "Civil Cover Sheet" according to these instructions:

- (a) Print your name as Plaintiff
- (b) Print all defendants as Defendants
- (c) Print "Pro Se" under Plaintiff's Attorney
- (d) Leave Defendant's Attorney blank
- (e) Basis for Jurisdiction:

Check Box No. 3: Federal Question

- (f) Cause of Action:

"42 U.S.C. §2000e-5" and "Title VII Action"

- (g) Nature of Suit, check Box No. 442: Civil Rights Employment.

- (h) Origin:

check Box No. 1: Original Proceeding

- (i) Under "Citizenship of Principal Parties," leave blank
- (j) Date, and sign your name, followed by "Pro Se" on the last line.



It is not requested that you attach "exhibits," other than those required above. If you do, however, you must submit enough copies for all the complaint copies. Otherwise, they will not be served on the defendants.

Requests for assigned counsel may be made pursuant to 42 U.S.C. Section 2000e-5(f)(1). However, assignment of counsel is within the discretion of the judge and will generally only be made where the judge believes a lawyer is necessary.

IMPORTANT: If you cannot pay the filing fee and are applying for permission to proceed as a poor person, no papers will be served upon the defendants until the District Judge has granted you permission to proceed as a poor person and directed the United States Marshal to serve the complaint.

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APPENDIX



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ORIGINAL SOURCE

<u>#</u>	<u>Item</u>	<u>Link</u>
1	Original Source	NYWD.USCourts.gov

INTERACTIVE VERSION

<u>#</u>	<u>Item</u>	<u>Link</u>
1	Web	TextBookDiscrimination.com/Handbooks/ProSe/USNYWD/C13

SIMILAR RESOURCES

<u>#</u>	<u>Item</u>	<u>Link</u>
1	USFLMD	TextBookDiscrimination.com/Handbooks/ProSe/USFLMD/AllInOne

ADDITIONAL RESOURCES

<u>#</u>	<u>Item</u>	<u>Link</u>
1	Charges	TextBookDiscrimination.com/Reports/COD/
2	Recommended Orders	TextBookDiscrimination.com/Reports/RO/

CONTACT INFORMATION

E: TextBookDiscrimination@gmail.com

W: www.TextBookDiscrimination.com

Congratulations! You're now **booked up** on Chapter 13 from USNYWD's **Pro se Handbook**!

