



**USSC'S PRO SE HANDBOOK
CHAPTER 1: INTRODUCTION
[ALL-IN-ONE DOCUMENT]**

Pro Se Handbook
Chapter 1: Introduction
US Supreme Court

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E: TextBook.Discrimination@outlook.com
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PRO SE HANDBOOK
US SUPREME COURT

CHAPTER: 1 INTRODUCTION

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SECTIONS: 1.01 through 1.07



1.01 | INTRODUCTION

These instructions and forms are designed to assist petitioners who are proceeding *in forma pauperis* with or without the assistance of counsel. A copy of the Rules of the Supreme Court, which establish the procedures that must be followed, is also enclosed.

Be sure to read the following Rules carefully:

Rules 10-14 (Petitioning for certiorari)

Rule 29 (Filing and service on opposing party or counsel)

Rule 30 (Computation and extension of time)

Rules 33.2 and 34 (Preparing pleadings on 8½ x 11 inch paper)

Rule 39 (Proceedings *in forma pauperis*)

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1.02 | NATURE OF SUPREME COURT REVIEW

It is important to note that review in this Court by means of a writ of certiorari is not a matter of right, but of judicial discretion. The primary concern of the Supreme Court is not to correct errors in lower court decisions, but to decide cases presenting issues of importance beyond the particular facts and parties involved. The Court grants and hears argument in only about 1% of the cases that are filed each Term. The vast majority of petitions are simply denied by the Court without comment or explanation. The denial of a petition for a writ of certiorari signifies only that the Court has chosen not to accept the case for review and does not express the Court's view of the merits of the case.

Every petitioner for a writ of certiorari is advised to read carefully the *Considerations Governing Review on Certiorari* set forth in Rule 10. Important considerations for accepting a case for review include the existence of a conflict between the decision of which review is sought and a decision of another appellate court on the same issue. An important function of the Supreme Court is to resolve disagreements among lower courts about specific legal questions. Another consideration is the importance to the public of the issue.

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1.03 | THE TIME FOR FILING

You must file your petition for a writ of certiorari within 90 days from the date of the entry of the final judgment in the United States court of appeals or highest state court or 90 days from the denial of a timely filed petition for rehearing. The issuance of a mandate or remittitur after judgment has been entered has no bearing on the computation of time and does not extend the time for filing. See Rules 13.1 and 13.3. Filing in the Supreme Court means the actual receipt of paper documents by the Clerk; or their deposit in the United States mail, with first-class postage prepaid, on or before the final date allowed for filing; or their delivery to a third-party commercial carrier, on or before the final date allowed for filing, for delivery to the Clerk within 3 calendar days. See Rule 29.2.

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1.04 | WHAT TO FILE

Unless you are an inmate confined in an institution and not represented by counsel, file:

- An original and ten copies of a motion for leave to proceed *in forma pauperis* and an original and 10 copies of an affidavit or declaration in support thereof. See Rule 39.
- An original and 10 copies of a petition for a writ of certiorari with an appendix consisting of a copy of the judgment or decree you are asking this Court to review including any order on rehearing, and copies of any opinions or orders by any courts or administrative agencies that have previously considered your case. See Rule 14.1(i).
- One affidavit or declaration showing that all opposing parties or their counsel have been served with a copy of the papers filed in this Court. See Rule 29.

If you are an inmate confined in an institution and not represented by counsel, you need file only the original of the motion for leave to proceed *in forma pauperis*, affidavit or declaration when needed in support of the motion for leave to proceed *in forma pauperis*, the petition for a writ of certiorari, and proof of service.

If the court below appointed counsel in the current proceeding, no affidavit or declaration is required, but the motion should cite the provision of law under which counsel was appointed, or a copy of the order of appointment should be appended to the motion. See Rule 39.1.

The attached forms may be used for the original motion, affidavit or declaration, and petition, and should be stapled together in that order. The proof of service should be included as a detached sheet, and the form provided may be used.

The Court's practice is to scan and make available on its website most filings submitted by litigants representing themselves. The Court scans petitions, motions to proceed *in forma pauperis*, proofs of service, and the portion of an appendix that includes relevant lower court opinions and rulings. While the Court does not scan other portions of an appendix from a *Pro Se* litigant, the entire appendix is fully a part of the Court's record and is available to the Justices.

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1.05 | PAGE LIMITATION

The petition for a writ of certiorari may not exceed 40 pages excluding the pages that precede Page 1 of the form. The documents required to be contained in the appendix to the petition do not count toward the page limit. See Rule 33.2(b).

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1.06 | REDACTION OF PERSONAL INFORMATION

Pursuant to Rule 34.6, certain types of personal information should not be included in filings. For example, social security numbers and taxpayer identification numbers should be redacted so that only the last four digits of the number are included, and the names of minor children should be redacted so that only initials are included. In general, Rule 34.6 adopts the redaction practices that are applicable to cases in the lower federal courts. See, e.g., Federal Rule of Civil Procedure 5.2.

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1.07 | METHOD OF FILING

All documents to be filed in this Court must be addressed to the Clerk, Supreme Court of the United States, Washington, D. C. 20543 and must be served on opposing parties or their counsel in accordance with Rule 29.

Filing in the Supreme Court means the actual receipt of paper documents by the Clerk; or their deposit in the United States mail, with first-class postage prepaid, on or before the final date allowed for filing; or their delivery to a third-party commercial carrier, on or before the final date allowed for filing, for delivery to the Clerk within 3 calendar days. See Rule 29.2.

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APPENDIX



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CONTACT INFORMATION

E: TextBook.Discrimination@outlook.com

W: www.TextBookDiscrimination.com

Congratulations! You're now **booked up** on Chapter 1 from USNYWD's **Pro se Handbook**!

