



USSC'S PRO SE HANDBOOK
CHAPTER 2: INSTRUCTIONS FOR COMPLETING FORMS
[ALL-IN-ONE DOCUMENT]

Pro Se Handbook
Chapter 2: Instructions for Completing Forms
US Supreme Court

{Last Updated: 1/1/2023}

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TABLE OF CONTENTS | CHAPTER 2 | INSTRUCTIONS FOR COMPLETING FORMS

Section	Title	Page
2.01	Motion for Leave to Proceed In forma pauperis...	4
2.02	<i>Affidavit or Declaration in Support of Motion for...</i>	5
2.03	Cover Page - Rule 34	6
2.04	Question(s) Presented	7
2.05	List of Parties and Related Cases	8
2.06	Table of Contents	9
2.07	Index of Appendices	10
2.08	Table of Authorities	12
2.09	Opinions Below	13
2.10	Jurisdiction	14
2.11	Constitutional and Statutory Provisions Involved	15
2.12	Statement of the Case	16
2.13	Reasons for Granting the Petition	17
2.14	Conclusion	18
2.15	Proof of Service	19
n/a	Appendix	20



PRO SE HANDBOOK
US SUPREME COURT

CHAPTER: 2 INSTRUCTIONS FOR COMPLETING FORMS

AUTHOR: US SUPREME COURT

DATE: January 1, 2023

SECTIONS: 2.01 through 2.16



2.01 | MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* - RULE 39

A. On the form provided for the motion for leave to proceed *in forma pauperis*, leave the case number blank. The number will be assigned by the Clerk when the case is docketed.

B. If you are representing yourself, type your name on the line of the case caption for "petitioner." As a *Pro Se* petitioner, you may represent only yourself. On the line for "respondent," type the name of the opposing party in the lower court. If there are multiple respondents, enter the first respondent, as the name appeared on the lower court decision, followed by "et al." to indicate that there are other respondents. The additional parties must be listed in the LIST OF PARTIES section of the petition.

C. If the lower courts in your case granted you leave to proceed *in forma pauperis*, check the appropriate space and indicate the court or courts that allowed you to proceed *in forma pauperis*. If none of the lower courts granted you leave to proceed *in forma pauperis*, check the block that so indicates.

D. Sign the motion on the signature line.

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2.02 | AFFIDAVIT OR DECLARATION IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

On the form provided, answer fully each of the questions. If the answer to a question is "0," "none," or "not applicable (N/A)," enter that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper, identified with your name and the question number. Unless each question is fully answered, the Clerk will not accept the petition. The form must either be notarized or be in the form of a declaration. See 28 U. S. C. § 1746.

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2.03 | COVER PAGE - RULE 34

When you complete the form for the cover page:

- A. Leave case number blank. The number will be assigned by the Clerk when the case is docketed.
- B. Complete the case caption as you did on the motion for leave to proceed *in forma pauperis*.
- C. List the court from which the action is brought on the line following the words "on petition for a writ of certiorari to." If your case is from a state court, enter the name of the court that last addressed the merits of the case. For example, if the highest state court denied discretionary review, and the state court of appeals affirmed the decision of the trial court, the state court of appeals should be listed. If your case is federal, the United States court of appeals that decided your case will always be listed here.
- D. Enter your name, address, and telephone number in the appropriate spaces.

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2.04 | QUESTION(S) PRESENTED

On the page provided, enter the question or questions that you wish the Court to review. The questions must be concise. Questions presented in cases accepted for review are usually no longer than two or three sentences. The purpose of the question presented is to assist the Court in selecting cases. State the issue you wish the Court to decide clearly and without unnecessary detail.

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2.05 | LIST OF PARTIES AND RELATED CASES

On the page provided, check either the box indicating that the names of all parties appear in the caption of the case on the cover page or the box indicating that there are additional parties. If there are additional parties, list them. Rule 12.6 states that all parties to the proceeding whose judgment is sought to be reviewed shall be deemed parties in this Court, and that all parties other than petitioner shall be respondents. The court whose judgment you seek to have this Court review is not a party.

On the same page, list all cases in other courts that are directly related to the case in this Court. A case is "directly related" if it arises from the same trial court case as the case in this Court (including the proceedings directly on review in this case), or if it challenges the same criminal conviction or sentence as is challenged in this Court, whether on direct appeal or through state or federal collateral proceedings. Below is an example of the format that should be used for this list:

- *Smith v. Jones*, No. 18-cv-200, U. S. District Court for the Western District of Pennsylvania. Judgment entered Oct. 1, 2018.
- *Smith v. Jones*, No. 18-1200, U. S. Court of Appeals for the Third Circuit. Judgment entered Apr. 15, 2019.

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2.06 | TABLE OF CONTENTS

On the page provided, list the page numbers on which the required portions of the petition appear. Number the pages consecutively, beginning with the "Opinions Below" page as page 1.

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2.07 | INDEX OF APPENDICES

List the description of each document that is included in the appendix beside the appropriate appendix letter. Mark the bottom of the first page of each appendix with the appropriate designation, e.g., "Appendix A." See Rule 14.1 pertaining to the items to be included in the appendix.

A. Federal Courts

If you are asking the Court to review a decision of a federal court, the decision of the United States court of appeals should be designated Appendix A. Appendix A should be followed by the decision of the United States District Court and the findings and recommendations of the United States magistrate judge, if there were any. If the United States court of appeals denied a timely filed petition for rehearing, a copy of that order should be appended next. If you are seeking review of a decision in a habeas corpus case, and the decision of either the United States District Court or the United States Court of Appeals makes reference to a state court decision in which you were a party, a copy of the state court decision must be included in the appendix.

B. State Courts

If you are asking the Court to review a decision of a state court, the decision of which review is sought should be designated Appendix A. Appendix A should be followed by the decision of the lower court or agency that was reviewed in the decision designated Appendix A. If the highest court of the state in which a decision could be had denied discretionary review, a copy of that order should follow. If an order denying a timely filed petition for rehearing starts the running of the time for filing a petition for a writ of certiorari pursuant to Rule 13.3, a copy of the order should be appended next.

As an example, if the state trial court ruled against you, the intermediate court of appeals affirmed the decision of the trial court, the state supreme court denied discretionary review and then denied a timely petition for rehearing, the appendices should appear in the following order:

Appendix A Decision of State Court of Appeals

Appendix B Decision of State Trial Court



Appendix C Decision of State Supreme Court Denying
Review

Appendix D Order of State Supreme Court Denying
Rehearing

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2.08 | TABLE OF AUTHORITIES

On the page provided, list the cases, statutes, treatises, and articles that you reference in your petition, and the page number of your petition where each authority appears.

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2.09 | OPINIONS BELOW

In the space provided, indicate whether the opinions of the lower courts in your case have been published, and if so, the citation for the opinion below. For example, opinions of the United States courts of appeals are published in the Federal Reporter. If the opinion in your case appears at page 100 of volume 30 of the Federal Reporter, Third Series, indicate that the opinion is reported at 30 F. 3d 100. If the opinion has been designated for publication but has not yet been published, check the appropriate space. Also indicate where in the appendix each decision, reported or unreported, appears.

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2.10 | JURISDICTION

The purpose of the jurisdiction section of the petition is to establish the statutory source for the Court's jurisdiction and the dates that determine whether the petition is timely filed. The form sets out the pertinent statutes for federal and state cases. You need provide only the dates of the lower court decisions that establish the timeliness of the petition for a writ of certiorari. If an extension of time within which to file the petition for a writ of certiorari was granted, you must provide the requested information pertaining to the extension. If you seek to have the Court review a decision of a state court, you must provide the date the highest state court decided your case, either by ruling on the merits or denying discretionary review.

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2.11 | CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Set out verbatim the constitutional provisions, treaties, statutes, ordinances and regulations involved in the case. If the provisions involved are lengthy, provide their citation and indicate where in the Appendix to the petition the text of the provisions appears.

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2.12 | STATEMENT OF THE CASE

Provide a concise statement of the case containing the facts material to the consideration of the question(s) presented; you should summarize the relevant facts of the case and the proceedings that took place in the lower courts. You may need to attach additional pages, but the statement should be concise and limited to the relevant facts of the case.

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2.13 | REASONS FOR GRANTING THE PETITION

The purpose of this section of the petition is to explain to the Court why it should grant certiorari. It is important to read Rule 10 and address what compelling reasons exist for the exercise of the Court's discretionary jurisdiction. Try to show not only why the decision of the lower court may be erroneous, but the national importance of having the Supreme Court decide the question involved. It is important to show whether the decision of the court that decided your case is in conflict with the decisions of another appellate court; the importance of the case not only to you but to others similarly situated; and the ways the decision of the lower court in your case was erroneous. You will need to attach additional pages, but the reasons should be as concise as possible, consistent with the purpose of this section of the petition.

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2.14 | CONCLUSION

Enter your name and the date that you submit the petition.

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2.15 | PROOF OF SERVICE

You must serve a copy of your petition on counsel for respondent(s) as required by Rule 29. If you serve the petition by first-class mail or by third-party commercial carrier, you may use the enclosed proof of service form. If the United States or any department, office, agency, officer, or employee thereof is a party, you must serve the Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W., Washington, D. C. 20530-0001. The lower courts that ruled on your case are not parties and need not be served with a copy of the petition. The proof of service may be in the form of a declaration pursuant to 28 U. S. C. § 1746.

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APPENDIX



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ADDITIONAL RESOURCES

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Congratulations! You're now **booked up** on Chapter 2 from USNYWD's **Pro se Handbook**!

