

# INFORMATION AND INSTRUCTIONS FOR FILING A CIVIL COMPLAINT IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI

## I. INFORMATION

### JURISDICTION

The United States District Courts have limited jurisdiction to adjudicate lawsuits. You should indicate what grounds you have for filing in federal court, if you know them.

### VENUE

The word "venue" refers to the geographic area over which a court has authority. The federal district courts each have their own venue and there are very strict rules on where you may file your complaint. If you do not comply with these rules, your action may be transferred to another district court or dismissed. You should check the federal venue statutes, 28 U.S.C. §§ 1391 - 1412, or the statute under which you are proceeding for the proper venue before filing your action.

The State of Missouri is divided into the Eastern and Western Districts. The U.S. District Court for the Eastern District of Missouri is located at 111 S. Tenth Street, Suite 3.300, St. Louis, Missouri, 63102, and is comprised of the following counties: Adair, Audrain, Bolinger, Butler, Cape Girardeau, Carter, Chariton, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lincoln, Linn, Macon, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Pemiscot, Perry, Phelps, Pike, Ralls, Randolph, Reynolds, Ripley, Saint Charles, Saint Francois, Saint Genevieve, Saint Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne, and the City of Saint Louis. The U.S. District Court for the Western District of Missouri is located at 400 East 9th Street, Kansas City, Missouri, 64106. The counties comprising the Western District of Missouri are set forth in 28 U.S.C. § 105(b).

### RULES OF COURT

If you file a complaint in the Eastern District of Missouri, you must follow the Federal Rules of Civil Procedure, as well as the Court's Local Rules. Even if you proceed pro se (representing yourself without an attorney), you must follow these rules. You should find both the federal rules in any law library and may receive a copy of the Court's Local Rules upon request.

### CHANGE OF ADDRESS

To ensure prompt delivery of court documents, you must file a change of address with the court every time your address changes. Failure to do so will prevent the Court from notifying you of developments in your case and may result in dismissal of your action.

### LEGAL ADVICE

Court personnel, including district court judges, magistrate judges, the Clerk of Court, and all staff, are prohibited by law from giving you legal advice. You should seek legal advice from your attorney or a legal clinic.

## **II. INSTRUCTIONS**

### COMPLETING THE ENCLOSED COMPLAINT FORM

To file a complaint, complete the enclosed complaint form and mail the original with two copies to the Clerk of Court. (If you pay the filing fee you must also submit one copy of the complaint for each defendant). All copies must conform to the original. In addition, the complaint must:

- (1) be typed or legibly written;
- (2) be signed by each plaintiff; and
- (3) conform to the instructions in the "Filing Fee" section below.

You should answer all questions concisely and to the best of your ability. If you need extra space to answer a question, insert an additional page in the appropriate place. Do not use the back of the page unless you cannot obtain blank paper. Do not name as a plaintiff in your complaint any other person, unless he or she is raising claims which arise from the same incident or involve the same issue as the claim raised in your complaint.

### JURY DEMANDS

Depending on your claim and the type of relief you are seeking, you may be entitled to a trial by jury. However, you may lose your right to a jury trial if you do not request it early in the proceeding. If you want a jury trial, you should write "Jury Trial Demanded" on the first page of your complaint, to the right of the caption, below the words "Case No."

### FILING FEE AND PROCEEDING IN FORMA PAUPERIS

The fee for filing an action in a United States District Court is \$400. A check or money order should be made payable to "Clerk, United States District Court." If you pay the \$400 filing fee, you will be responsible for service upon each defendant. To properly serve the defendant(s) you must submit to the Court Clerk for each named defendant a copy of the complaint, and a completed summons. The Court Clerk will return to you each defendant's copy of the complaint

for you to serve and a copy for your own records. In the alternative, you may request that the defendant(s) waive service. Instructions and forms for requesting the waiver of service are available from Clerk's Office (Note: If a defendant fails to waive service, you will still be responsible for serving upon them a copy of the complaint and a summons).

If you are financially unable to pay the filing fee, you may request the court to file your action without prepayment of costs. (One whose complaint is filed without the payment of the filing fee is said to proceed in forma pauperis). Applications to proceed without prepayment of costs and financial affidavits are available from the Clerk's Office. **(NOTE: Each plaintiff named in your complaint must submit a separate application if the complaint is to filed in forma pauperis).** If you proceed in forma pauperis the United States Marshal's Service will serve a copy of your complaint upon each defendant, however, you are responsible for providing the Court the correct address of each defendant.

### APPOINTMENT OF COUNSEL

A pro se litigant does not have an absolute right to a court-appointed attorney. The court may, in its discretion, appoint an attorney to represent you. Form motions for appointment of counsel are available from the Clerk's Office upon request.

### SUBSEQUENT FILINGS

<b>Certificate of Service</b>	
I hereby certify that a copy of the foregoing was mailed	
to _____ at _____	
[Opposing Party or Counsel]	[Address]
on _____, 20__.	_____
[Date]	[Your Signature]

### **Certificate of Service**

To file a motion, pleading or other paper, you must submit the original document to the Court Clerk. The original document must include a certificate of service which should be in the following form:

Any pleading or document received by the court that fails to include a certificate of service may be returned. In addition to filing the original document with the court, you must mail a

copy of each document to all other parties, or if they have counsel, to their attorney(s).

**Motions Filed By Other Parties**

If you do not timely respond to a motion filed by another party, you may waive your right to challenge the subject matter of the motion. Applicable time periods are set forth in the Federal Rules of Civil Procedure and the Court's Local Rules.

**Letters to the Court**

It is improper to send letters directly to district or magistrates judges regarding cases pending before them. All correspondence should be forwarded to the Clerk of Court. Copies of correspondence should also be sent to all other parties, or if they have counsel, to their attorney(s).

**MAILING**

All correspondence, fees, legal documents, etc. should be mailed to the following address:

Clerk of Court  
United States District Court  
Eastern District of Missouri  
111 S. Tenth Street, Suite 3.300  
St. Louis, MO 63102