OFFICE OF THE CLERK
United States District Court
Southern District of Florida

CIVIL FILING REQUIREMENTS

REVISED DECEMBER 1, 2012

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COURT ADMINISTRATOR/CLERK OF COURT

The Mission of the Clerk's Office for the Southern District of Florida is to provide the support necessary to enable the Court as an institution to fulfill its constitutional, statutory, and societal responsibilities for all who seek justice.

Table of Contents

Section 1 - GENERAL COURT INFORMATION 4
1A. Office Addresses and Telephone Numbers 4
1B. Website 4
1C. Court Records Available at Courthouses and Remotely via PACER 5
1D. Fees 5
1E. Forms 5
Section 2 -GENERAL FILING REQUIREMENTS 6
2A. Electronic Filing Requirements 6
2B. Pro Se Litigants 6
2C. Requirement to Maintain Mailing Address and Contact Information 6
2D. Conventional (Paper) Filings 7
2E. Signature Block and Certificate of Service 7
2F. Motions 7
2G. Discovery 7
2H. Civil Subpoenas 8
2I. Emergency Matters 8
2J. Notification of 90 Days Expiring 9
2K. Sealed Documents 9
2L. Conditions for Fees Paid by Check 10
2M. Filings May Not be Submitted on CD, DVD, Cassette, or VHS Tape 10
2N. Documents Written in Foreign Languages Must Be Accompanied With Translation 10
Section 3 - REDACTION REQUIREMENT and PRIVACY POLICY 10
Section 4 - DOCUMENTS AND FEES RELATED TO NEW CIVIL CASES 10
4A. Complaint/Petition 11
4B. Civil Cover Sheet 12
4C. Filing Fee and Application to Proceed Without Prepaying Costs or Fees 12
4D. Summonses 12
(1) Issuance of Summonses 13
(2) Method of Service 13
(3) Proof of Service 14
(4) Answer to Complaint 14
Section 5 - SPECIFIC CIVIL ACTIONS 14
5A. Complaint Against Private Person, Corporation, or Against the United States 14
5B. Complaint Against the Secretary of the State of Florida 15
5C. Complaint - Amended 15

5D. Complaint Under The Civil Rights Act, U.S. Code 42, Section 1983 16
5E. Motion to Enforce - Quash Deposition Subpoena from Another District 16
5F. Motion/Petition for Return of Seized Property 17
5G. Registration of a Judgment from Another District 17
5H. Removal of a Case from State Court 17
Section 6 - ADMIRALTY and MARITIME CLAIMS 18
6A. Limitation of Liability / Complaint for Exoneration 18
6B. In Personam Actions: Process of Attachment and Garnishment 19
6C. Actions in Rem 20
6D. Release of Property/Writ of Restitution 20
Section 7 - WRITS OF GARNISHMENT AND EXECUTION 21
7A. Writ of Execution 21
7B. Writ of Garnishment (Post-Judgment) 22
7C. Writs of Execution and Writ Garnishment Filed Under FDCPA 23
Section 8 - APPEALS TO THE UNITED STATES COURT OF APPEALS 24
Section 9 - ATTORNEY INFORMATION 25
9A. Admission 25
9B. Volunteer Lawyers' Project for Southern District of Florida 25
9C. *Pro Hac Vice* Appearance 25
9D. Government Attorneys 25
Section 10 - MEDIATION 26
Attachment A – Sample Document 27
Attachment B – Certification of Emergency 30
Attachment C – Sealed Document Tracking Form 31
Attachment D - Complaint 32
Attachment E – Civil Cover Sheet (JS44) 34
Attachment F – Cause of Action Codes 36
Attachment G- Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form) 45
Attachment G- Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) 47
Attachment H – Summons in a Civil Action 52
Attachment I - Notice of a Lawsuit and Request to Waive Service of a Summons 54
Attachment J – Instructions/Complaint Under Civil Rights Act 55

Section 1 - GENERAL COURT INFORMATION

1A. Office Addresses and Telephone Numbers

The Clerk's Office is located in the Miami, Fort Lauderdale, West Palm Beach and Fort Pierce divisions, and is open to the general public from 8:30 a.m. to 4:30 p.m. on regular business days. Customer service is also provided over the telephone from 8:30 a.m. to 5:00 p.m. Due to limited staffing, these hours do not apply to the Key West Office. However, Clerk's Office staff in Miami will provide public assistance over the telephone when the Key West office is not staffed. The courthouses are located at:

400 North Miami Avenue, 8th Floor
Miami, Florida 33128
305-523-5100

299 East Broward Boulevard, Room 108
Fort Lauderdale, Florida 33301
954-769-5400

701 Clematis Street, Room 202
West Palm Beach, Florida 33401
561-803-3400

101 South U.S. Highway 1, Room #1016
Fort Pierce, Florida 34950
772-467-2300

301 Simonton Street, Room 130
Key West, Florida 33040
305-295-8100
(limited hours)

1B. Website

The Southern District of Florida's website, located at: http://www.flsd.uscourts.gov, contains the Local Rules of this Court as well as general court information and other resources related to case processing.

1C. Court Records Available at Courthouses and Remotely via PACER

Public computer terminals that allow access to the Court's Case Management/Electronic Case Filing system (CM/ECF) are available at the courthouses. The terminals may be used to conduct case searches by party name or case number. To accommodate electronic filing by CM/ECF users, CM/ECF workstations are available at the Clerk's Office locations during regular business hours.

Case and docket information can also be accessed remotely via the PACER system (Public Access to Court Electronic Records). PACER is provided by the federal Judiciary to provide public access to court information via a centralized service. PACER is available to anyone (attorneys, pro se filers, the media, general public, etc.) who registers for a PACER account. PACER is available 24 hours a day, including weekends. Public case information is available via PACER as soon as the information is entered in CM/ECF. The electronic record is considered the official record in this district.

Please Note: Access to court documents from PACER can be obtained at a *cost less than copies obtained from the Clerk's Office*. Access to court documents via PACER costs $0.10 per page, with a maximum charge of $3.00 for documents or reports that are more than 30 pages. *PACER fees are waived, if charges are $15 or less in a quarter (3 month period), effectively making the service free for many people. (Copies made by the Clerk's Office are generally $.50 per page.)*

Information about PACER and signing up for an account can be found on PACER's website at http://pacer.psc.uscourts.gov or calling 1-800-676-6856.

1D. Fees

Fees are set by the Judicial Conference of the United States. The Fee Schedule is available on the Court's website at http://www.flsd.uscourts.gov.

1E. Forms

Most forms/documents listed in this Guide can be located on the Court's website at http://www.flsd.uscourts.gov. Forms are also available from the Administrative Office of the U.S. Courts' website at www.uscourts.gov.

Section 2 -GENERAL FILING REQUIREMENTS

Disclaimer: The information in this guide does not take the place of a pro se litigant or attorneys' responsibility to comply with the Local Rules, the Federal Rules of Civil Procedure and all other laws. The Local Rules of this Court may be obtained at the Intake Section at of the Clerk's Offices free of charge or from our website at http://www.flsd.uscourts.gov. **This guide is NOT legal advice.**

2A. Electronic Filing Requirements

On October 12, 2006, the Southern District of Florida implemented CM/ECF, an electronic filing system designated for use nationwide by the United States Courts. Electronic filing is mandatory for all attorneys admitted to practice in the Southern District of Florida. For additional information, refer to the CM/ECF Administrative Procedures.

2B. Pro Se Litigants

Pro se litigants, or individuals who represent themselves, are **not** be permitted to file electronically or receive notices electronically. Pro se litigants **must** file all documents conventionally. For additional information, refer to the CM/ECF Administrative Procedures. *See Attachment A (Sample Document).*

Once a case has been filed, it is extremely important for a plaintiff to be diligent in pursuing the case. The plaintiff has an obligation to attempt to make the case ready for trial. All parties must make their best efforts to complete discovery as to the facts of the case within the time limits and in accordance with procedures. In addition, the plaintiff must obey all orders of the Court that may be issued in the case, and must appear for all conferences or hearing. Failure to do so is grounds for dismissal or sanctions.

2C. Requirement to Maintain Mailing Address and Contact Information

Pursuant to Administrative Order 2005-38, parties appearing pro se must file, in each pending case, a notice of change of mailing address or contact information whenever such a change occurs. If court notices sent via the U.S. mail are returned as undeliverable TWICE in a case, notices will no longer be sent until a current mailing address is provided.

Pursuant to Administrative Order 2005-038 and Section 3D of the CM/ECF Administrative Procedures, whenever a change of address or contact information occurs, attorneys must electronically file a Notice of Change of Address, and update their email/contact information in CM/ECF, in all pending cases.

2D. Conventional (Paper) Filings

All conventional filings (as permitted by the Court's CM/ECF Administrative Procedures) must indicate the case number and may be filed at any division with the exception of emergency motions/requests for emergency hearings, which must be filed in the division where the Judge is chambered. Documents should not be filed directly with the Judge unless instructed by the Judge to do so.

All documents must be on 8½" by 11" (letter size) white paper and should not be bound or double sided. For additional information, refer to Local Rule 5.1.A [See Local Rules] . If the filing party needs a file-stamp copy returned for his/her records, an extra copy of the document must be provided.

2E. Signature Block and Certificate of Service

Filings must include a signature block with the name, street address, telephone number, facsimile telephone number, e-mail address of the filing party (and the Florida Bar identification number if filed by a attorney). Conventional filings must include an original (wet) signature by the filer. Filings must also include a certificate of service that contains the name, street address, telephone number, facsimile telephone number, and e-mail address of all counsel for all parties, including the party filing the pleading. For additional information, refer to Local Rule 5.1.A. *See Attachment A (Sample Document).*

2F. Motions

A motion is an application to the Court asking the Court to take action in a case. Motions should state the specific action sought and the facts that support the requested action. *See Attachment A (Sample Document).*

A proposed order for consideration by the Judge must be submitted with motions as specified in Local Rule 7.1A.1 and must comply with 3I(6) of the CM/ECF Administrative Procedures.

NOTE: A party who requests to amend a pleading must attach the original amendment to the motion. If a motion to amend is granted, the filing party must separately re-file the amended pleading pursuant to Local Rule 15.1, unless otherwise ordered by the Judge.

2G. Discovery

Discovery is the exchange of information between all parties prior to trial. Generally, discovery materials (in civil cases) will **not** be accepted for filing. This Court will only accept the following discovery materials that are permitted by Local Rule 26.1.B. Such discovery materials must be accompanied by a Notice of Filing:

- Discovery documents in support/objection to a specific motion.
- Discovery documents filed for trial/appellate purposes.
- Discovery documents that have been ordered to be filed by the Court.

2H. Civil Subpoenas

Civil Subpoena for Trial is the process by which the Court, at the request of a party, commands a witness to appear at a trial or hearing for the purpose of giving testimony before the Court.

Civil Subpoena for Deposition or a Subpoena for Documents (Duces Tecum) is the process by which the Court, at the request of a party, commands a witness to produce testimony (*i.e.*, deposition) or a document(s) that is pertinent to the issues of a pending action. In the case of a subpoena for a deposition or production of documents taking place in **another distric**t, the name of that Court and case number (where the deposition or production is to take place) must be indicated on the subpoena. For additional information, refer to the Federal Rules of Civil Procedure, Rule 45.

(1) Issuance of Subpoenas
Federal Rules of Civil Procedure, Rule 45 was amended as of December 1, 1991 to abolish the requirement that a subpoena be issued under the seal of the Court; the only requirement under the amended rule is that the subpoena be signed by an attorney.

Pro se litigants, or other parties who are *not* officers of the Court, must have subpoenas issued by the Clerk's Office. If an attorney or party requests that the Court issue a subpoena, the Clerk's Office shall issue a subpoena, which is signed (not sealed or dated) but otherwise blank, to the requesting party.

Attorneys may also issue and sign subpoenas as an officer of (a) a Court in which the attorney is authorized to practice, or (b) for a district where the deposition is to be taken or production is to be made, if the attorney is authorized to practice in the Court where the action is pending.

(2) Service of Subpoenas and Fees
A subpoena may be served by any person who is at least 18 years old and not a party in the case. Proof of Service, when necessary, requires filing a statement showing the date and manner of service and the names of the persons served. The Proof of Service must be certified by the server. Refer to U.S. Code: Title 28, Section 1821 for information fees including witness fees, mileage, etc.

2I. Emergency Matters

Emergency matters must be filed conventionally in the division where the Judge is chambered. Emergency matters will *not* be accepted electronically from attorneys otherwise authorized to file electronically.

Judges are selected randomly to handle emergency filings when the assigned District Judge is physically absent from the district, unavailable due to illness, or on vacation, and the matter cannot wait for the assigned District Judge to return.

It is the filing party's responsibility to determine whether the matter *is*, in fact, an emergency that cannot wait for the assigned District Judge's return. If the filing party determines that the matter cannot wait for the assigned District Judge to return, he/she must complete the "Certification of Emergency" attesting that the emergency was not caused by the filing party's lack of due diligence. *See Attachment B (Certification of Emergency).*

2J. Notification of 90 Days Expiring

Pursuant to Local Rule 7.1.B.3, a "Notice of Ninety Days Expiring" shall be filed within ten days of the expiration of the applicable 90 day period if (1) any motion or other matter has been pending and fully briefed with no hearing set for 90 days; or (2) any motion or other matter on which the Court has conducted a hearing but has not entered an order (or otherwise made a decision on the matter) within 90 days of the hearing. The Notice must be served on all parties and must contain the following information:

- Title and docket entry number of the subject motion or other application, along with the dates of service and filing.
- Title and docket number of any and all responses or opposing memoranda, along with the dates of service and filing, or if no such papers have been filed, the date on which such papers were due.
- Title and docket entry number of any reply memoranda, or any other papers filed in connection with the motion or other matter, as well as the dates of service and filing.
- Date of any hearing held on the motion or other matter.

2K. Sealed Documents

Documents and cases are sealed when it is determined by a Judge that the information contained in them should not be a part of the public record. Sealed documents are not available for inspection by case participants or the public. Sealed documents **must** be filed conventionally. Parties seeking to file matters under seal must follow the procedures prescribed by the CM/ECF Administrative Procedures and Local Rule 5.4.

The original Motion to Seal and the proposed filing to be sealed must both be clearly marked as "sealed document". The Motion to Seal must explain the basis for departing from the general policy of public access to filings. The motion must specify how long the party is requesting to have the matter sealed; as well as how the matter is to be handled after the expiration of sealed period (unless permanent sealing is requested). In addition, the filing party must submit a completed Sealed Document Tracking Form, and a proposed order with stamped, self-addressed envelopes for all parties. *See Attachment C (Sealed Document Tracking Form).*

2L. Conditions for Fees Paid by Check

Fees paid by personal/business checks must comply with the following conditions:

- Checks must be payable to "Clerk, United States Courts"
- Checks must be imprinted with a name *and* address (not handwritten or typed)
- Case number and case name must be written in the memo section of the check

2M. Filings May Not be Submitted on CD, DVD, Cassette, or VHS Tape

Filings submitted on CD, DVD, cassette or VHS tape (or other multi-media format) will not be accepted for filing, unless they were previously submitted as evidence or unless filed pursuant to Court order.

2N. Documents Written in Foreign Languages Must Be Accompanied With Translation

Documents not written in English (i.e., foreign language, braille) must be accompanied by a translation, unless a waiver has been granted by the Court.

Section 3 - REDACTION REQUIREMENT and PRIVACY POLICY

All filings must comply with the redaction requirements in the Federal Rules of Civil Procedure, Rule 5.2 and the Federal Rules of Criminal Procedure P. 49.1. Unless exempted by the rules or by court order, the personal identifiers noted below must be redacted (removed) so that only the following appear in filings: *Social Security number*: last four digits only (XXXXX- 1234); *taxpayer ID number*: last four digits only; *financial account numbers*: last four digits only; *date of birth*: year only; *minor's name*: initials only; *home address*: city and state only (for criminal cases only).

The filing party is responsible for the redaction (removal) of personal identifiers. The Clerk's Office will not review any document for redaction purposes. Any personal information included in filings will be available to the public over the internet via PACER. For the complete privacy policy and redaction requirements, refer to the CM/ECF Administrative Procedures located on the Court's website www.flsd.uscourts.gov.

Section 4 - DOCUMENTS AND FEES RELATED TO NEW CIVIL CASES

4A. Complaint/Petition

A federal civil case begins when a plaintiff files a complaint/petition with the Clerk of Court that states a claim(s) against a person or entity (defendant) who the plaintiff asserts has committed an actionable, wrongful act. The complaint/petition begins the legal process and gives notice to the person(s) being sued and the Court about the nature of the lawsuit. Generally, lawsuits should be filed in the district where the defendant resides or where the claim arose. For additional information, refer to U.S. Code: Title 28, Section 1330-1369. *See Attachment D (Sample Complaint).*

Complaints/Petitions must contain the following information:

- **Caption** which appears at the top of the first page of the complaint and states the Court in which the case is being filed and the names of the parties.
- **Name** of the plaintiff(s) and defendant(s)
- **Federal Statue** stating why the Court has jurisdiction of the case (the power and authority of the Court to hear the case).
- **Allegations** or **claims** briefly describing how each defendant is involved, names of other persons involved, and dates and places. Each claim should be stated in a separately numbered paragraph and limited to a statement of a single set of facts. Please use short and plain statements, with separately numbered paragraphs indicating why the relief requested should be granted. (Legal arguments or citations are not necessary.)
- **Relief** sought from the Court (what is being requested from the Court).
- **Signature line** noting the filing party's signature, street address, telephone number, facsimile number and e-mail address (Florida bar number, if filing party is an attorney).

Pro se parties and attorneys who are not authorized to file electronically via the CM/ECF System must file (1) an ***original*** complaint ***signed*** by the filing party; and (2) one copy of the complaint for each defendant named in the complaint. The copies of the complaint will be file-stamped and returned to the filing party for service on the defendants in the case.

Attorneys admitted to practice in this Court must file new civil complaints or other civil case initiating documents electronically via the CM/ECF system as outlined in Section 8 of the CM/ECF Administrative Procedures. Additional information, including the CM/ECF Electronic Case Opening Guide, is available on the Court's Website under the CM/ECF tab.

4B. Civil Cover Sheet

Pursuant to Local Rule 3.3, a Civil Cover Sheet (JS-44) [See Forms on internet] must be filed with a new civil complaint or other case initiating document. **All sections of the form must be completed including**: the County Where the Action Arose (Section Id); Basis of Jurisdiction (Section II); Citizenship of Principal Parties, *only if it is a diversity case* (Section III); Nature of Suit (Section IV); Origin (Section V); Cause of Action and Estimated Time to Try the Case (Section VII); Jury Demand (Section VIII); and Original Signature of Filer. *See Attachment E (Civil Cover Sheet) and Attachment F (Cause of Action Codes).*

If the action involves the refiling of a complaint, a copy of the order that closed/dismissed the previous case must be filed with the Civil Cover Sheet.

4C. Filing Fee and Application to Proceed Without Prepaying Costs or Fees

The filing of a new civil case must include the appropriate filing fee, payable to "Clerk, United States Courts." The amount of the fee is determined by the nature of the complaint. The fee schedule is available on the Court's website at http://www.flsd.uscourts.gov.

A filing fee is not required if the filing party is requesting to proceed in forma pauperis (request to proceed without paying fees). The filing party must file an Application to Proceed in District Court Without Prepaying Fees or Costs, or an affidavit which substantially follows the form and establishing why the filing party is unable to pay the fees and costs for the proceeding. The Judge will determine if the filing fee can be waived. *See Attachment G (Application Proceed Without Prepaying Fees).*

The Clerk's Office will accept *pro se* prisoner cases *without* the filing fee or an Application to Proceed Without Prepaying Fees or Costs. *Pro se* prisoner fee issues will be determined by a Judge after the case is filed.

4D. Summonses

A summons is a notice to a defendant(s) that a complaint has been filed against the defendant and directs the defendant to answer the complaint within a specified time period and at a specified location. There is no fee for issuing a summons; however, the Clerk's Office will **not** issue a summons unless the filing fee has been paid *or* there is an Order Granting Application to Proceed Without Prepaying Fees or Costs.

Note: *Please refer to the Federal Rules of Civil Procedure 4 and the Local Rules to become thoroughly familiar with the procedures governing service of process. Failure to serve the summons and complaint within 120 days of filing the complaint is grounds for dismissal of each party not served*

(1) Issuance of Summonses

Pro se parties and attorneys who are not authorized to file electronically must prepare and file an original, signed summons and **two copies for each defendant**. Summonses must include the time within which the defendant must respond to the complaint. The time runs from the date the defendant is served with the complaint. *See Attachment H (Summons).*

Summonses can be filed in any divisional office in the Southern District of Florida. The Clerk's Office will issue the summons by dating, signing, and affixing a seal on the original summonses and each of the copies.

The Clerk of Court will retain one summons for each defendant to document the issuance of the summons. Two copies of the summonses will be returned to the plaintiff together with the copies of the complaint to be served.

If an Application to Proceed Without Prepayment of Fees or Costs (*in forma pauperis)* was filed and granted by the Court, the plaintiff may motion the Court to order the United States Marshal Service to serve each defendant without cost to the plaintiff.

(2) Method of Service

The method of serving the summonses depends on the circumstances of each case. At the time a party is requesting the issuance of summonses, the filing party must inform the Clerk's Office which method of service will be used. The three methods of service are:

- **Personal Service** - Service may be made by any person who is not a party to the case and who is at least 18 years of age, *or* by an order of the Court directing that service be effected by the United States Marshal Service.
- **Notice of Lawsuit & Waiver of Service of Summonses** - To avoid costs, the plaintiff may notify the parties in the lawsuit of the commencement of the action, and request that they waive service by summons. If a Waiver of Service of Summons is returned signed by the defendant, the plaintiff must file it with the Clerk's Office. If the defendant does not return the waiver within the prescribed time frame, the plaintiff must prepare the summons to be issued and serve the defendant in the manner described. *See Attachment I (Notice of Lawsuit/Waiver of Summons).*

- **International Service and/or Letter of Request** - Service of process in a foreign country. For additional information, refer to the International Service of Summons 28 U.S.C. 1696 and Rule Federal Rules of Civil Procedure, Rule 4(f)(2)(B) (not via Hague Convention).

The plaintiff is responsible for prompt service of (1) the summons and (2) a copy of the complaint on each of the defendants named in the complaint.

The plaintiff is also responsible for ensuring that the defendants are served with the complaint within 120 days of the filing date of the action. The filing party must allow 21 days for the defendant to answer when serving a private individual or corporation. The filing party must allow 60 days for the defendant to answer when serving a federal agency or individual acting in an official federal government capacity.

(3) Proof of Service

The plaintiff must file with the Court proof that the defendant(s) have been served in accordance with Rule 4 of the Federal Rules of Civil Procedure. It is the responsibility of the person serving the summons to prepare and file Proof of Service, along with a summons for each defendant, to document service of process. *See Attachment H (Summons).*

(4) Answer to Complaint

The answer is a defendant's written response to the complaint, stating his/her defenses to the claims and either admitting or denying the specific allegations contained in the complaint. For additional information, refer to the Federal Rules of Civil Procedure, Rule 8(b). *See Attachment A (Sample Document).*

The defendant must file the answer with the Court and serve a copy on all opposing parties. Failure of the defendant to answer or otherwise defend him/herself in a timely manner is grounds for a Default Judgment against the defendant. For additional information, refer to the Federal Rules of Civil Procedure, Rule 55.

Section 5 - SPECIFIC CIVIL ACTIONS

5A. Complaint Against Private Person, Corporation, or Against the United States

Such suit or action should be brought in the district where the action arose or where the defendant is located. If the *defendant* is not within this district, the venue is the location where

the *plaintiff* is located. For additional information, refer to the Federal Rules of Civil Procedure, Rule 4.

File the following documents according to Section IV "Filing a New Civil Case" :

- Civil Cover Sheet (JS-44)
- Original, signed petition/complaint and one copy for each defendant listed on the complaint
- One original, signed summonses for each defendant named on the complaint
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court's website at http://www.flsd.uscourts.gov)

Two copies of the summonses will be returned to the plaintiff together with the copies of the complaint to be served.

5B. Complaint Against the Secretary of the State of Florida

Such suit or action should be brought in the district where the action arose or where the defendant is located. If the *defendant* is not within this district, the venue is the location where the *plaintiff* is located. For additional information, refer to the Federal Rules of Civil Procedure, Rules 4 and 5.

File the following documents according to Section IV "Filing a New Civil Case":

- Civil Cover Sheet (JS-44)
- Original, signed petition/complaint and one copy for each defendant listed on the complaint
- One original, signed summons for each defendant named on the complaint
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court's website at http://www.flsd.uscourts.gov)

Two copies of the summonses will be returned to the plaintiff together with the copies of the complaint to be served

5C. Complaint - Amended

An amended complaint is filed to change a previously-filed complaint. Pursuant to Federal Rule of Civil Procedure 15(a)(1), a party may amend its complaint **once** without the permission of the Court within 21 days after serving the complaint - ***or*** - within 21 days after service of an answer or other responsive motion filed pursuant to Federal Rules of Civil Procedure 12(b), (e) or (f). If

these conditions apply, an amended complaint may be filed. The filer must also file a summons for each defendant named in the amended complaint *including* all defendants named in the original complaint.

In all other cases, a plaintiff may amend its complaint only with the written consent of the opposing party(s) *or* upon leave of the Court (permission from the Court). Pursuant to Section 3I(1) of the CM/ECF Administrative Procedures, if leave of the Court is sought, the plaintiff must file:

- Motion for Leave to File an Amended Complaint
- Proposed amended complaint
- Proposed Order on the Motion for Leave to File

Note: Summonses will not be issued until the Motion for Leave to File is granted and the amended complaint has subsequently been filed separately. Pursuant to Local Rule 15.1, any amendment to a pleading(i.e. amended complaint), except by leave of the Court must reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference. When a motion to amend is granted, the amended pleading must be filed separately.

5D. Complaint Under The Civil Rights Act, U.S. Code 42, Section 1983

See Attachment J for instructions and complaint form related to filing a Complaint Under The Civil Rights Act.

5E. Motion to Enforce - Quash Deposition Subpoena from Another District

A Motion to Enforce/Quash a Deposition Subpoena is only filed as a new case when the subpoena is being issued from a Federal Court *outside* the district on a party residing *inside* the district (there is no existing case number). **Note**: *The place of taking the deposition and person being deposed must be in the Southern District of Florida***.** For additional information, refer to the Federal Rules of Civil Procedure, Rule 45.

File the following documents according to Section IV "Filing a New Civil Case":

- Civil Cover Sheet (JS44)
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court's website at http://www.flsd.uscourts.gov)

In addition, file the original Motion to Enforce/Quash Deposition Subpoena from the other district with a copy of the subpoena attached

5F. Motion/Petition for Return of Seized Property

A Motion/Petition for Return of Seized Property is filed to request authorization for the filing party to recover goods or chattels that have been wrongfully taken or detained. Any such suit or action should be brought in the district where the action arose or where the defendant is located. If the *defendant* is not within this district, the venue is the location where the *plaintiff* is located. For additional information, refer to U.S Code Title 28 - Section 2465.
File the following documents according to Section IV "Filing a New Civil Case":

- Civil Cover Sheet (JS-44)
- Original, signed motion/petition for each defendant listed on the complaint
- One original, signed summons for each defendant named on the complaint
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court's website at http://www.flsd.uscourts.gov)

5G. Registration of a Judgment from Another District

The Judicial Improvements Act of 1988, as amended, permits judgments for money or property to be registered for immediate execution in another district. Effective February 17, 1989, judgments may be registered at any time, even when an appeal is pending, when ordered by the Court that entered the judgment for good cause shown.

File the following documents according to Section IV "Filing a New Civil Case":

- Civil Cover Sheet (JS-44)
- Filing fee (For information about fees, see the Court's website at http://www.flsd.uscourts.gov)

In addition, file the original Certification of Judgment for Registration in Another District (form AO451), or a certified copy of the Order allowing the Judgment to be registered elsewhere. A certified copy will be returned to the filing party (without cost) to be recorded in the appropriate County Recorder's Office.

5H. Removal of a Case from State Court

This action involves the transfer of a case by the defendant from a State Court to a U.S. District Court. The removal is generally carried out after an action was commenced in State Court, but not finally determined. For additional information, refer to U.S. Code Title 28, Section 1441-1444; and U.S. Code Title 28, Section 1446.

As a matter of law, the location in which cases are removed to the United States District Court for the Southern District of Florida is fixed to the division (Miami, Fort Lauderdale, West Palm Beach, Ft. Pierce, or Key West) in the district which embraces the county where such action is pending in State Court. Note that Highlands, Indian River, Martin, Okeechobee, and St. Lucie County actions and proceedings shall be removed to Ft. Pierce pursuant to Local Rule 3.1. Such matters may not be removed to a division outside the county where the matter is pending in State Court.

File the following documents according to Section IV "Filing a New Civil Case":

- Civil Cover Sheet (JS-44)
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court's website at http://www.flsd.uscourts.gov)

In addition, file an original Notice of Removal with the State Court documents attached**.**

Section 6 - ADMIRALTY and MARITIME CLAIMS

6A. Limitation of Liability / Complaint for Exoneration

This action involves a complaint filed by a ship owner for the purpose of restricting his/her liability to certain parties to whatever value the ship has after an event such as a sinking or collision. Exoneration involves the finding of no liability for the ship owner. Any such suit or action should be brought in the district where the action arose or where the defendant is located. If the *defendant* is not located in this district, the venue is the location where the *plaintiff* is located. For additional information, refer to the Federal Rules of Civil Procedure, Supplemental Rule F for Admiralty and Maritime Claims, and Local Admiralty and Maritime Rule F.

File the following documents according to Section IV "Filing a New Civil Case":

- Civil Cover Sheet (JS-44)
- Original, signed petition/complaint
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court's website at http://www.flsd.uscourts.gov)

In addition, the following documents are also required:

- Original, signed Affidavit of the Value of the Vessel (may be incorporated within the complaint or filed separately)

- Original, signed Affidavit of No Pending Freight (may be incorporated within the complaint or filed separately)
- Original Notice of Filing Bond for the value of the vessel (cash or surety)
- Original, signed Notice of Filing of all Claims
- Monition
- Original, signed Proposed Notice of Publication (Local Rule 5.2)

The Court will issue the Monition and Injunction establishing the period of time for claimants to file their respective claims. After the Monition is signed by the Judge, the Clerk's will issue the Notice of Publication. Unless otherwise Ordered, the Clerk's Office will telephone the filing party when the Notice of Publication has been issued. It is the responsibility of the filing party to effect publication of the notice in accordance to the Rules.

6B. In Personam Actions: Process of Attachment and Garnishment

Process of Attachment and Garnishment in Personam involves the process of seizing and holding the money or property of a person who is allegedly in debt to another person or entity prior to receiving a judgment. For additional information, refer to the Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime Claims, Rule B; and Local Admiralty Rule B.

File the following documents according to Section IV "Filing a New Civil Case":

- Civil Cover Sheet (JS-44)
- Original, signed petition/complaint and one copy for each defendant listed on the complaint (complaint must be *verified)*
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court's website at http://www.flsd.uscourts.gov)

In addition, file:

- Original, signed affidavit stating that the defendant cannot be found in the district (Alternatively, the affidavit statement may be included in the body of the complaint)
- Motion and Proposed Order to Issue the Process for Attachment and Garnishment
- Process for Attachment and Garnishment
- If the attachment and garnishment are to be issued under state law, a bond is also required (See Florida Statue 76)

After the Order is signed, the Clerk's Office will certify (sign, date, and seal) the Process for Attachment and Garnishment, and return two issued Writs to the filing party.

Note: Judicial Review is required prior to issuance of the process of attachment and garnishment unless certification of exigent circumstances is filed (See Local Admiralty Rule B(3)(b).

6C. Actions in Rem

An Action in Rem involves the arrest of a vessel or other property. Any such suit or action should be brought in the district where the action arose or where the defendant is located. If the *defendant* is not located in this district, the venue is the location where the *plaintiff* is located. For additional information, refer to the Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime Claims, Rule C; and Local Admiralty and Maritime Rule C.
File the following documents according to Section IV "Filing a New Civil Case":

- Civil Cover Sheet (JS-44)
- Original, signed petition/complaint (complaint must be *verified*)
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs
- *If* the matter is filed as a Seamen Action under 28 U.S.C. §1916, a filing fee is *not* required when the matter is initially filed but the filing party is responsible to pay the filing fee upon termination of the case (For information about fees, see the Court's website at http://www.flsd.uscourts.gov)

If a Warrant of Arrest in Rem is to be issued at the time the petition/complaint is filed, the following documents must also be filed:

- Motion for Appointment of Substitute Custodian
- Motion and Proposed Order Directing the Clerk to Issue a Warrant of Arrest and/or Summons
- Warrant of Arrest in Rem

When the Order has been signed and the Warrant of Arrest in Rem has been issued, the Clerk's Office will telephone the filing party to make arrangements for the warrant to be picked up.

Note: Judicial Review is required prior to issuance of the Warrant of Arrest in Rem unless written certification of exigent circumstances is filed (See Local Admiralty Rule C (2)(b)).

6D. Release of Property/Writ of Restitution

A Writ of Restitution is the instrument used to the release of a vessel, cargo, or other property. For additional information, refer to the Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime Claims, Rule E (5), and Local Rules, Admiralty and Maritime Rule E(8).

For a Cause Pending (Pending Case), file the following documents:

- Original, signed Claim of Owner
- Stipulation/Consent - or - a Motion and Proposed Order for the Release of the Vessel
- Release Bond (cash or surety) [A special bond, either stipulated to or fixed by the court, is used for a claim already filed. The bond will be conditioned upon the payment of the principal sum and the interest thereon at 6% per annum. A general bond may be filed to stay future actions and must be at least double the aggregate amount claimed. If a special bond or stipulation is given in a particular case, the liability on the general bond or stipulation shall cease as to that case.]
- Original U.S. Marshals Cost or Release Form Notice (indicating all costs have been paid)
- Note: There is no filing fee

For a Case Terminated (Closed Case), file the following documents:

- Original, signed Claim of Owner
- Original U.S. Marshals Cost or Release Form Notice (indicating all costs have been paid)
- Order for the Release of the Vessel

Section 7 - WRITS OF GARNISHMENT AND EXECUTION

7A. Writ of Execution

A Writ of Execution is an order directing an officer of the Court to seize property from a debtor to satisfy a judgment. While procedures are governed by the state in which the court is located, a federal statute governs to the extent it applies. For additional information, refer to Federal Rules of Civil Procedure 62 and 69.

File the following documents:

- Original, signed Writ of Execution indicating the amount of the judgment and naming the party that the judgment is against (Form is available at www.flsd.uscourts.gov.)
- Original, signed Motion for Appointment of a Process Server must be filed if service is to be provided by a Process Server (Form is available at www.flsd.uscourts.gov.)
- Note: There is no filing fee

Pursuant to Federal Rules of Civil Procedure 62 and 69, the Clerk's Office will verify the following information:

- The judgment is final (*i.e.*, that 14 days have passed from the date the judgment was entered on the docket)

- If the judgment is on appeal *and* bond has not been posted, that 30 days have passed since the date the judgment was entered on the docket (if 30 days have not passed since the judgment was entered, the writ cannot be issued)
- A supersedeas bond has *not* been posted
- There is *no* pending motion that would preclude the issuance of the writ (i.e. motion for judgment as a matter of law; motion to amend or for additional findings; motion for a new trial or to alter/amend judgment; or a motion for relief from a judgment/order)
- The amount stated in the motion and in the writ does not exceed the amount of the judgment

After the above information is verified, the Clerk's Office will certify (sign, date, and seal) and return two issued writs to the filing party.

Note: If the above information can not be verified, the writ may only be issued pursuant to order of the Court.

7B. Writ of Garnishment (Post-Judgment)

A Writ of Garnishment is a process for seizing property, money, or credits for the purpose of securing satisfaction of a judgment. While procedures are governed by the state in which the court is located, a federal statute governs to the extent it applies. Under Florida law, post-judgment Writs of Garnishment can be issued only after the judgment creditor files a motion. For additional information, refer to the Federal Rules of Civil Procedure, Rules 62 and 64 and Florida Statutes 77.03, 77.04, and 77.28.

File the following documents:

- Original, signed, Motion to Issue Writ of Garnishment stating the amount of the judgment
- Proposed Writ of Garnishment
- Notice to Defendant (attached to writ *if* the defendant is an individual)
- Original, signed Motion for Appointment of a Process Server must also be filed if service is to be provided by a Process Server (Form is available at www.flsd.uscourts.gov.)
- Filing party must deposit $100.00 in the registry of the Court before the Writ is issued
- Note: There is no filing fee

Pursuant to Federal Rules of Civil Procedure 62 and 64, the Clerk's Office will verify the following information:

- The judgment is final (*i.e.*, that 14 days have passed from the date the judgment was entered on the docket)

- If the judgment is on appeal *and* bond has not been posted, that 30 days have passed since the date the judgment was entered on the docket (if 30 days have not passed since the judgment was entered, the writ cannot be issued)
- A supersedeas bond has *not* been posted
- There is *no* pending motion that would preclude the issuance of the writ (i.e. motion for judgment as a matter of law; motion to amend or for additional findings; motion for a new trial or to alter/amend judgment; or a motion for relief from a judgment/order)
- The amount stated in the motion and in the writ does not exceed the amount of the judgment

After the above information is verified, the Clerk's Office will certify (sign, date, and seal) and return two issued writs to the filing party.

Note: If the above information cannot be verified, the writ may only be issued pursuant to order of the Court. In addition, pre-judgment writs and continuing writs may only be issued pursuant to an order of the Court.

7C. Writs of Execution and Writ Garnishment Filed Under FDCPA

Writs of Execution and Writs of Garnishment filed under the Federal Debt Collections Practice Act (FDCPA) are governed by Title 28, U. S. Code, Sections 3001-3308. The Federal Rules of Civil Procedure also apply to such Writs.

File the following documents:

- Original, signed, Application for Writ of Execution (See U.S. Code Title 28, Section 3203) - *or* - original, signed, Application for Writ of Garnishment/Post-Judgment (See U.S. Code Title 28, Section 3205)
- Original, signed, Motion for Appointment of Process Server must be filed if service is to be provided by a process server
- Note: There is no filing fee

Pursuant to Federal Rules of Civil Procedure 62, 64 and 69, the Clerk's Office will verify the following information:

- The judgment is final (*i.e.*, that 14 days have passed from the date the judgment was entered on the docket)
- If the judgment is on appeal *and* bond has not been posted, that 30 days have passed since the date the judgment was entered on the docket (if 30 days have not passed since the judgment was entered, the writ cannot be issued)

- A supersedeas bond has *not* been posted
- There is *no* pending motion that would preclude the issuance of the writ (i.e. motion for judgment as a matter of law; motion to amend or for additional findings; motion for a new trial or to alter/amend judgment; or a motion for relief from a judgment/order)
- The amount stated in the motion and in the writ does not exceed the amount of the judgment

After the above information is verified, the Clerk's Office will certify (sign, date, and seal) and return two issued writs to the filing party.

Note: If the above information can not be verified, the writ may only be issued pursuant to order of the Court. In addition, pre-judgment writs filed under FDCPA may only be issued pursuant to an order of the Court.

Section 8 - APPEALS TO THE UNITED STATES COURT OF APPEALS

The United States District Court System is comprised of 94 judicial districts, which are divided into 12 regional circuits. Each circuit has a United States Court of Appeals which hears appeals from all the District Courts located within its circuit as well as appeals from federal administrative agencies. The Southern District of Florida is part of the Eleventh Circuit, which has jurisdiction over federal cases originating in the states of Alabama, Florida and Georgia.

Attorneys who are authorized to file electronically via CM/ECF must file a Notice of Appeal via CM/ECF and pay the filing fee via CM/ECF using "Pay.gov". Pro se filers must file the Notice of Appeal conventionally and pay the filing fee via check payable to the "Clerk, United States Court". See Section 2L for conditions for fees paid by check. Note: a filing fee is not required if the party was permitted to proceed without prepaying fees or costs (*in forma pauperis*) in the Southern District of Florida. (For information about fees, see the Court's website at http://www.flsd.uscourts.gov.)

Upon the conclusion of an appeal, the Eleventh Circuit Court of Appeals will enter a written opinion and forward a copy of the opinion to the District Judge. If any party to the appeal does not agree with the opinion entered, that party will have thirty (30) days from the date of the opinion to petition the Eleventh Circuit Court of Appeals for a re-hearing. If the petition for re-hearing is granted, the Eleventh Circuit Court of Appeals will take the matter under review.

Section 9 - ATTORNEY INFORMATION

9A. Admission

Pursuant to Local Rule 1 of the Southern District of Florida Special Rules Governing the Admission and Practice of Attorneys, an attorney is qualified for admission to the bar of this District if the attorney is currently a member in good standing of The Florida Bar and pays the admission fee. See the Court's website (http://www.flsd.uscourts.gov) for information about the application process.

9B. Volunteer Lawyers' Project for Southern District of Florida

All attorneys admitted to the Southern District of Florida are expected to join the Court's Volunteer Lawyers' Project (VLP). The program's goal is to provide /pro bono/ legal representation for indigent, *pro se* litigants in civil cases, to assist the Court in handling *pro se* cases, and to expand opportunities for lawyers to satisfy their professional obligation to provide legal services to indigent litigants. Information on joining the Volunteer Lawyers' Project may be found on their website or by contacting the VLP at 305-373-4334 or volunteerlawyers@bellsouth.net.

9C. *Pro Hac Vice* Appearance

An attorney who is not a member of the Southern District of Florida Bar may move the Court to appear *pro hac vice* (meaning "in a particular case only"). Motions to Appear *Pro Hac Vice* must be filed conventionally, by a member of the bar of this Court, in **each** case in which the attorney is requesting to appear. A filing fee, payable to the "Clerk, United States Courts", is required for each attorney in each case. (For information about fees, see the Court's website at http://www.flsd.uscourts.gov.) For additional information, refer to Local Rule 4, Section 2 of the CM/ECF Administrative Procedures, and the Court's website. The Motion to Appear Pro Hac Vice form can be found on the Court's Website at www.flsd.uscourts.gov.

If granted, *pro hac vice* appearance does not constitute formal admission to the bar of this Court. Attorneys permitted to appear *pro hac vice* will not be permitted to file electronically in CM/ECF, but will be able to electronically receive Notices of Electronic Filings (NEF).

Note: A Notice of Appearance is not a Motion to Appear *Pro Hac Vice* and does not require a filing fee.

9D. Government Attorneys

A government attorney is any full-time U.S. Attorney, Assistant U.S. Attorney, Federal Public Defender or Assistant Federal Public Defender employed full time by and representing the United

States government, or any agency thereof, and any Attorney General and Assistant Attorney General of the State of Florida.

Government attorneys may appear and participate in actions or proceedings on behalf of the attorney's employer in the attorney's official capacity without petition for admission to the Southern District of Florida Bar; however, government attorneys are required to register for CM/ECF. For additional information, refer to the Court's website [www.flsd.uscourts.gov] and Section 3 of the CM/ECF Administrative Procedures.

Section 10 - MEDIATION

Local Rule 16.2 D implemented Court-annexed mediation in this district and defined the types of cases subject to mediation and the procedures for referring a case to mediation. Mediation is a supervised settlement conference presided over by a mediator to promote conciliation, compromise and the ultimate settlement of a civil action prior to trial.

The Clerk of Court maintains a list of certified mediators from which a mediator is randomly selected when the parties to a case cannot agree on a mediator and request that the Clerk of Court appoint one. A list of certified mediators is available on the Court's website (www.flsd.uscourts.gov) and at the Intake Section at any of the Clerk's Offices.

Persons interested in becoming a certified mediator in this district should refer to the Court's website to review the Qualifications of Certified Mediators prescribed in the Local Rule 16.2(b)(3). Additional instructions and the application form is available on the Court's website. Applications are reviewed by an *Ad Hoc* Committee on Mediation. The Committee makes recommendations to the Chief Judge of the Southern District of Florida whether applicants should be added to the certified list of mediators.

Attachment A – Sample Document

(1" from top of page, and centered, begin title of Court)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____ -CV-_____
(Judge's Last Name/Magistrate's Last Name)

_____
_____
_____
(Full Name of Plaintiff/s) ,

Plaintiff (s)

vs.

_____
_____
_____
(Full Name of Defendant/s),

Defendant(s).
_____/

TITLE OF DOCUMENT

I, _____ [plaintiff or defendant], in the above styled

cause, _____

_____

_____

_____

_____

_____

_____

Dated: Month, day, year

Respectfully submitted,

_____
Name of Filer

_____
Attorney Bar Number *(if applicable)*

_____
Attorney E-mail Address *(if applicable)*

_____
Firm Name *(if applicable)*

_____
Street Address

_____
City, State, Zip Code

Telephone: _____

Facsimile: _____

_____
Attorneys for Plaintiff/Defendant *[Party name(s)] (if applicable)*

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by

_____ [specify method of service] on _____[date]

on all counsel or parties of record on the Service List below.

_____
Signature of Filer

SERVICE LIST

_____
Party or Attorney Name

_____
Attorney E–mail Address *(if applicable)*

_____
Firm Name *(if applicable)*

_____
Street Address

_____
City, State, Zip Code

Telephone: _____

Facsimile: _____

_____
Attorneys for Plaintiff/Defendant
[Party's Name(s)] (if applicable)

_____
Party or Attorney Name

_____
Attorney E–mail Address *(if applicable)*

_____
Firm Name *(if applicable)*

_____
Street Address

_____
City, State, Zip Code

Telephone: _____

Facsimile: _____

_____
Attorneys for Plaintiff/Defendant
[Party's Name(s)] (if applicable)

Attachment B – Certification of Emergency

UNITED STATES DISTRICT COURT
Southern District of Florida
Case Number:

Plaintiff

v.

Defendant

CERTIFICATION OF EMERGENCY

I hereby certify that, as a member of the Bar of this Court, I have carefully examined this matter and it is a true emergency.

I further certify that the necessity for this emergency hearing has not been caused by a lack of due diligence on my part, but has been brought about only by the circumstances of this case. The issues presented by this matter have not been submitted to the Judge assigned to this case or any other Judge or Magistrate Judge of the Southern District of Florida prior hereto.

I further certify that I have made a bona fide effort to resolve this matter without the necessity of emergency action.

Dated this _____ day of _____ , 20_____ .

Signature: _____
Printed Name:_____
Florida Bar Number: _____
Telephone Number: _____

FOR CLERK'S OFFICE USE ONLY

I hereby certify that the Judge assigned to this case is unavailable for this emergency (a copy of notification to the Clerk is on file). In accordance with Local Rule 3.7, the Honorable as randomly drawn from the Emergency W heel.

I hereby certify that the Judge randomly assigned to this emergency is unavailable due to _____. (A copy of notification to the Clerk is on file). In accordance with Local Rule 3.7, the Honorable was randomly drawn from the Emergency W heel.
Dated this _____day_____ of_____ , 20_____ .

STEVEN M. LARIMORE
Court Administrator · Clerk of Court

By:_____, Deputy Clerk(Rev.

Attachment C – Sealed Document Tracking Form

UNITED STATES DISTRICT COURT

Southern District of Florida

Case Number:

Plaintiff

v.

Defendant

SEALED DOCUMENT TRACKING FORM

Party Filing Matter Under Seal: Name:
Address:
Telephone:

On behalf of (select one): ☐ Plaintiff ☐ Defendant

Date sealed document filed: _____

If sealed pursuant to statute, cite statute: _____

If sealed pursuant to previously entered protective order, date of order and docket entry number:

The matter should remain sealed until:

☐ Conclusion of Trial ☐ Arrest of First Defendant

☐ Case Closing ☐ Conclusion of Direct Appeal

☐ Other:

☐ Permanently. Specify the authorizing law, rule, court order:

_____

The moving party requests that when the sealing period expires, the filed matter should be (select one):

☐ Unsealed and placed in the public portion of the court file

☐ Destroyed

☐ Returned to the party or counsel for the party, as identified above

_____
Attorney for:

Attachment D - Complaint

(1" from top of page, and centered, begin title of Court)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____– Civ (Judge's Last Name/Magistrate's Last Name)

(Full Name of Plaintiff/s) , Plaintiff (s)
vs.
(Full Name of Defendant/s), Defendant(s).
_____/

COMPLAINT

I, _____ , plaintiff, in the above styled cause, sue defendant(s):_____
_____ .

This action is filed under (indicate under which federal law or section of the U.S. Constitution this action is being filed): _____
_____

Dated: Month, day, year

Respectfully submitted,

_____
Name of Filer
Attorney Bar Number (if applicable)
Attorney E-mail Address (if applicable)
Firm Name (if applicable)
Street Address
City, State, Zip Code
Telephone: (xxx)xxx–xxxx
Facsimile: (xxx)xxx–xxxx
Attorneys for Plaintiff/Defendant [Party Name(s)] (if applicable)

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by [specify method of service] on [date] on all counsel or parties of record on the Service List below.

_____
Signature of Filer

SERVICE LIST

Party or Attorney Name
Attorney E–mail Address (if applicable)
(if applicable)
Street Address
City, State, Zip Code

xxxx
Plaintiff/Defendant
(if applicable)

Party or Attorney Name
Attorney E–mail Address (if applicable) Firm Name
Firm Name (if applicable)
Street Address
City, State, Zip Code Telephone: (xxx)xxx–xxxx
Telephone: (xxx)xxx–xxxx Facsimile: (xxx)xxx–
Facsimile: (xxx)xxx–xxxx Attorneys for
Attorneys for Plaintiff/Defendant [Party's Name(s)]
[Party's Name(s)] (if applicable)

JS 44 (Rev. 2/08)

CIVIL COVER SHEET

Attachment E - Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)

(d) Check County Where Action Arose: ❒ MIAMI- DADE ❒ MONROE ❒ BROWARD ❒ PALM BEACH ❒ MARTIN ❒ ST. LUCIE ❒ INDIAN RIVER ❒ OKEECHOBEE ❒ HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

❒ 1 U.S. Government Plaintiff
❒ 3 Federal Question (U.S. Government Not a Party)
❒ 2 U.S. Government Defendant
❒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	❒ 1	❒ 1	Incorporated *or* Principal Place of Business In This State	❒ 4	❒ 4
Citizen of Another State	❒ 2	❒ 2	Incorporated *and* Principal Place of Business In Another State	❒ 5	❒ 5
Citizen or Subject of a Foreign Country	❒ 3	❒ 3	Foreign Nation	❒ 6	❒ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
❒ 110 Insurance
❒ 120 Marine
❒ 130 Miller Act
❒ 140 Negotiable Instrument
❒ 150 Recovery of Overpayment & Enforcement of Judgment
❒ 151 Medicare Act
❒ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
❒ 153 Recovery of Overpayment of Veteran's Benefits
❒ 160 Stockholders' Suits
❒ 190 Other Contract
❒ 195 Contract Product Liability
❒ 196 Franchise

REAL PROPERTY
❒ 210 Land Condemnation
❒ 220 Foreclosure
❒ 230 Rent Lease & Ejectment
❒ 240 Torts to Land
❒ 245 Tort Product Liability
❒ 290 All Other Real Property

TORTS

PERSONAL INJURY
❒ 310 Airplane
❒ 315 Airplane Product Liability
❒ 320 Assault, Libel & Slander
❒ 330 Federal Employers' Liability
❒ 340 Marine
❒ 345 Marine Product Liability
❒ 350 Motor Vehicle
❒ 355 Motor Vehicle Product Liability
❒ 360 Other Personal Injury

PERSONAL INJURY
❒ 362 Personal Injury - Med. Malpractice
❒ 365 Personal Injury - Product Liability
❒ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
❒ 370 Other Fraud
❒ 371 Truth in Lending
❒ 380 Other Personal Property Damage
❒ 385 Property Damage Product Liability

CIVIL RIGHTS
❒ 441 Voting
❒ 442 Employment
❒ 443 Housing/ Accommodations
❒ 444 Welfare
❒ 445 Amer. w/Disabilities - Employment
❒ 446 Amer. w/Disabilities - Other
❒ 440 Other Civil Rights

PRISONER PETITIONS
❒ 510 Motions to Vacate Sentence
Habeas Corpus:
❒ 530 General
❒ 535 Death Penalty
❒ 540 Mandamus & Other
❒ 550 Civil Rights
❒ 555 Prison Condition

FORFEITURE/PENALTY
❒ 610 Agriculture
❒ 620 Other Food & Drug
❒ 625 Drug Related Seizure of Property 21 USC 881
❒ 630 Liquor Laws
❒ 640 R.R. & Truck
❒ 650 Airline Regs.
❒ 660 Occupational Safety/Health
❒ 690 Other

LABOR
❒ 710 Fair Labor Standards Act
❒ 720 Labor/Mgmt. Relations
❒ 730 Labor/Mgmt.Reporting & Disclosure Act
❒ 740 Railway Labor Act
❒ 790 Other Labor Litigation
❒ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
❒ 462 Naturalization Application
❒ 463 Habeas Corpus-Alien Detainee
❒ 465 Other Immigration Actions

BANKRUPTCY
❒ 422 Appeal 28 USC 158
❒ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
❒ 820 Copyrights
❒ 830 Patent
❒ 840 Trademark

SOCIAL SECURITY
❒ 861 HIA (1395ff)
❒ 862 Black Lung (923)
❒ 863 DIWC/DIWW (405(g))
❒ 864 SSID Title XVI
❒ 865 RSI (405(g))

FEDERAL TAX SUITS
❒ 870 Taxes (U.S. Plaintiff or Defendant)
❒ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
❒ 400 State Reapportionment
❒ 410 Antitrust
❒ 430 Banks and Banking
❒ 450 Commerce
❒ 460 Deportation
❒ 470 Racketeer Influenced and Corrupt Organizations
❒ 480 Consumer Credit
❒ 490 Cable/Sat TV
❒ 810 Selective Service
❒ 850 Securities/Commodities/ Exchange
❒ 875 Customer Challenge 12 USC 3410
❒ 890 Other Statutory Actions
❒ 891 Agricultural Acts
❒ 892 Economic Stabilization Act
❒ 893 Environmental Matters
❒ 894 Energy Allocation Act
❒ 895 Freedom of Information Act
❒ 900 Appeal of Fee Determination Under Equal Access to Justice
❒ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

❒ 1 Original Proceeding ❒ 2 Removed from State Court ❒ 3 Re-filed- (**see VI below**) ❒ 4 Reinstated or Reopened ❒ 5 Transferred from another district (specify) ❒ 6 Multidistrict Litigation ❒ 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

(See instructions second page):

a) Re-filed Case ❒ YES ❒ NO b) Related Cases ❒ YES ❒ NO

JUDGE DOCKET NUMBER

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (**Do not cite jurisdictional statutes unless diversity**):

LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

❒ CHECK IF THIS IS A **CLASS ACTION** UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ❒ Yes ❒ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD DATE

FOR OFFICE USE ONLY

AMOUNT _____ RECEIPT # _____ IFP _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

(d) Choose one County where Action Arose.

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States District Courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity**. Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VIII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

Date and Attorney Signature. Date and sign the civil cover sheet.

Attachment F – Cause of Action Codes

Cause of Action Codes

Note: Below are the 2010 Cause of Action Codes from the Administrative Office of the U.S. Courts. Also, see the local Cause of Action Codes at the end of this document.

Code	Description
0	No cause code entered
02:0431 02:431	Fed. Election Commission: Failure Enforce Compliance
02:0437 02:437	Federal Election Commission
05:0075 05:75(2)	Contract - Reduction in Grade
05:0551 05:551	Administrative Procedure Act
05:0552fi 05:552	Freedom of Information Act
05:0552pa 05:552	Right to Privacy Act
05:0554 05:0554	Constitutionality of Maritime Statutes
05:0701 05:0701	Maritime Subsidy Board
05:0702 05:702	Administrative Procedure Act
05:0704 05:704	Labor Litigation
05:7703 05:7703	Discrimination - Review of Agency Act
07:0006 7:6(b)	Federal Commodity Exchange Regulation
07:0025 7:25	Fraud - Commodities Leverage Contracts
07:0181 07:181	Packers & Stockyard Act
07:0499 07:499	Agricultural Commodities Act
07:0601 07:601	USDA Condemnation
07:2321 07:2321	Plant Variety Protection Act
08:1105 8:1105(a)	Aliens: Habeas Corpus to Release INS Detainee
08:1252 08:1252(a)(2)	Injunction for Deportation
08:1260 08:1260	Aliens: Access to Records
08:1324 08:1324	Aliens: Complaint for Forfeiture
08:1329 08:1329	Writ of Mandamus to Adjudicate Visa Petition
08:1446 8:1446	Petition for Naturalization Hearing
09:0001 09:1	U.S. Arbitration Act
09:0009 9:9	Motion to Confirm Arbitration Loan
09:0010 09:0010	Petition to Vacate Arbitration Award
10:1552 10:1552	Armed Forces: Action to Correct Records
10:1553 10:1553	Armed Forces: FOIA General
10:2305 10:2305	Review of Federal Contract
11:0101 11:101	Bankruptcy
12:0022 12:22	Securities Fraud
12:0635 12:635	Breach of Insurance Contract
12:1461 12:1461	Homeowners Loan Act
12:1703 12:1703	Default of HUD Loan
12:1725 12:1725	Collection under Contract Guaranty
12:1730 12:1730	Collection under Contract Guaranty
12:1819 12:1819	Default of Promissory Note
12:1821 12:1821	Default of Loan by Promissory Note
12:1971 12:1971	Relief under Bank Holding Act
12:3410 12:3410	Right to Financial Privacy Act
15:0001 15:1	Antitrust Litigation
15:0002at 15:2	Antitrust Litigation
15:0002fl 15:2(a)	Fair Labor Standards Act
15:0005 15:5(a)	Fair Labor Standards Act
15:0015 15:15	Antitrust Litigation
15:0025 15:25	Clayton Act
15:0044 15:44	Trademark Infringement
15:0045 15:0045	Federal Trade Commission Act

Cause of Action Codes

Code	Description
15:0052 15:0052	Federal Trade Commission Act
15:0053 15:0053	Federal Trade Commission Act
15:0077 15:77	Securities Fraud
15:0078 15:78m(a)	Securities Exchange Act
15:0631 15:631	Small Business Act
15:0717 15:717	Natural Gas Act
15:1051 15:1051	Trademark Infringement
15:1114 15:1114	Trademark Infringement
15:1121 15:1121	Trademark Infringement
15:1125 15:1125	Trademark Infringement (Lanham Act)
15:1126 15:1126	Patent Infringement
15:1127 15:1127	Trademark Infringement
15:1601 15:1601	Truth in Lending
15:1640 15:1640	Truth in Lending
15:1681 15:1681	Fair Credit Reporting Act
15:1692 15:1692	Fair Debt Collection Act
15:1938 15:1938	Fair Labor Standards Act
15:1981 15:1981	Fraud-Motor Vehicle (Odometer)
15:1988 15:1988	Fraud-Motor Vehicle (Odometer)
15:1989 15:1989	Fraud-Motor Vehicle (Odometer)
15:2301 15:2301	Magnuson-Moss Warranty Act
15:2801 15:2801	Petroleum Marketing Practices Act
15:53(b) 15:53(b)	Prelim & Perm Inj Relief & other Equitable Relief
16:0668 16:668	Bald Eagle Protection Act
16:0703 16:703	Migratory Bird Act
16:1538 16:1538	Endangered Species Act
16:3371 16:3371	Wildlife under the Lacey Act
16:3372 16:3372	Conservation: Complaint for Forfeiture
16:3373 16:3373	Appeal of Decision - DOI
16:3374 16:3374	Conservation: Complaint for Forfeiture
17:0101 17:101	Copyright Infringement
17:0501 17:501	Copyright Infringement
17:0504 17:504	Copyright Infringement
18:0241 18:241	Conspiracy Against Citizen Rights
18:1961 18:1961	Racketeering (RICO) Act
18:1962 18:1962	Racketeering (RICO) Act
18:1964 18:1964	Racketeering (RICO) Act
18:4208 18:4208(B)	Agency Action Review
19:1305 19:1305	Custom Duties: Forfeiture-Immoral Articles
20:1080 20:1080	Student Loan Recovery
20:1400 20:1400	Civil Rights of Handicapped Child
20:1401 20:1401	Education: Handicapped Child Act
21:0841 21:841	Forfeiture Property-Drugs
21:0881 21:881	Forfeiture Property-Drugs
21:0881a 21:881	Forfeiture Property - Aircraft
21:0881re 21:881	Forfeiture Property - Real Estate
23:0134 23:134	P.I.- Auto Negligence
23:1441 23:1441	Contract Real Estate
24:1000 24:1000	Hospitals & Asylums: Withdrawal Liability
25:0640 25:640	Indian Tribal Rights
25:1901 25:1901	Indian Child Welfare Act
26:6212 26:6212	Injunctive Relief from IRS Lien
26:6213 26:6213	Injunctive Relief from IRS Lien
26:6502 26:6502	IRS: Enforcement of tax liens

Cause of Action Codes

Code	Description
26:6532 26:6532	IRS: Refund of Tax Penalty
26:6702 26:6702	IRS: Refund of Income Tax Penalty
26:6703 26:6703	IRS: Refund of Tax Penalty
26:7401 26:7401	IRS: Tax Liability
26:7402 26:7402	IRS: Petition to Enforce IRS Summons
26:7403 26:7403	Suit to Enforce Federal Tax Lien
26:7422rt 26:7422	IRS: Refund Taxes
26:7422rx 26:7422	IRS: Refund Excise Tax
26:7426 26:7426	IRS: Wrongful Levy for Taxes
26:7429 26:7429	IRS: Tax Jeopardy Assessment
26:7609 26:7609	IRS: Petition to Quash IRS Summons
27:0185 27:185	Enforcement of Arbitration Award
28:0157c 28:0157(c)(1)	Findings, Concl. & Proposed Judgment
28:0157d 28:0157	Motion for Withdrawal of Reference
28:0158 28:0158	Notice of Appeal re Bankruptcy Matter (BAP)
28:0185 28:185	Suit to Compel Arbitration
28:0451 28:451	Employment Discrimination
28:0794 28:794	Rehabilitation Act
28:1001 28:1001	E.R.I.S.A.
28:1132 28:1132	E.R.I.S.A.
28:1330 28:1330	Breach of Contract
28:1331 28:1331	Fed. Question
28:1331al 28:1331	Fed. Question: Airline Crash
28:1331at 28:1331	Fed. Question: Anti-trust
28:1331au 28:1331	Fed. Question: Auto Negligence
28:1331b 28:1331	Federal Question: Bivens Act
28:1331bc 28:1331	Fed. Question: Breach of Contract
28:1331ca 28:1331	Fed Question: Fed Communications Act of 1934
28:1331cm 28:1331	Fed. Question: Interstate Commerce Act
28:1331cv 28:1331	Federal Question: Other Civil Rights
28:1331ed 28:1331	Fed. Question: Employment Discrimination
28:1331es 28:1331	Enforcement of Administrative Subpoena
28:1331fl 28:1331	Fed. Question: Fair Labor Standards
28:1331in 28:1331	Fed. Question: Insurance Contract
28:1331mm 28:1331	Fed. Question: Medical Malpractice
28:1331pi 28:1331	Fed. Question: Personal Injury
28:1331rd 28:1331	Fed. Question: Review Agency Decision
28:1331rp 28:1331(a)	Fed. Question: Real Property
28:1331rr 28:1331	Fed. Question: Railway Labor Act
28:1331sv 28:1331	Fed. Question: Securities Violation
28:1331tr 28:1331	Fed. Question: Trademark
28:1331tt 28:1331	Fed. Question: Tort Action
28:1331v 28:1331	Fed. Question: Violation 5th & 8th Amendment
28:1331wl 28:1331	Federal Question: EPA Waste Lien
28:1331wt 28:1331	Fed. Question: Water Rights
28:1332ac 28:1332	Diversity-Account Receivable
28:1332al 28:1332	Diversity-Airline Crash
28:1332as 28:1332	Diversity-Asbestos Litigation
28:1332au 28:1332	Diversity-Auto Negligence
28:1332bc 28:1332	Diversity-Breach of Contract
28:1332co 28:1332	Diversity-Conversion
28:1332ct 28:1332	Diversity-(Citizenship)
28:1332det 28:1332	Diversity: Forcible Detainer
28:1332df 28:1332	Diversity-Contract Default

Cause of Action Codes

Code	Description
28:1332ds 28:1332	Diversity-Contract Dispute
28:1332ed 28:1332	Diversity-Employment Discrimination
28:1332fd 28:1332	Diversity-Breach of Fiduciary Duty
28:1332fr 28:1332	Diversity-Fraud
28:1332ia 28:1332	Diversity-Interpleader Action
28:1332ij 28:1332	Diversity-Injunctive & Declaratory Relief
28:1332in 28:1332	Diversity-Insurance Contract
28:1332jd 28:1332	Diversity-Declaratory Judgment
28:1332lb 28:1332	Diversity-Libel, Assault, Slander
28:1332lm 28:1332	Diversity - Legal Malpractice
28:1332ma 28:1332	Diversity-Miller Act
28:1332mm 28:1332	Diversity-Medical Malpractice
28:1332mv 28:1332	Diversity-Motor Vehicle Product Liability
28:1332ni 28:1332	Diversity-Negotiable Instrument
28:1332nm 28:1332	Diversity-Non-Motor Vehicle
28:1332oc 28:1332	Diversity-Other Contract
28:1332pd 28:1332	Diversity-Property Damage
28:1332pi 28:1332	Diversity-Personal Injury
28:1332pl 28:1332	Diversity-Product Liability
28:1332pr 28:1332	Diversity-Petition for Removal
28:1332qt 28:1332	Diversity-Petition to Quiet Title
28:1332ri 28:1332	Diversity-Racketeering (RICO) Act
28:1332sa 28:1332	Diversity: Securities & Exchange Commission Act
28:1332sf 28:1332	Diversity: Securities Fraud
28:1332ss 28:1332	Diversity - Stockholders Suits
28:1332tl 28:1332	Diversity-Torts to Land
28:1332tm 28:1332	Diversity-Tort/Motor Vehicle (P.I.)
28:1332tn 28:1332	Diversity-Tort/Non-Motor Vehicle
28:1332wd 28:1332	Diversity-Wrongful Death
28:1333 28:1333	Admiralty
28:1334 28:1334	Bankruptcy Appeal
28:1334c 28:1334(c)	R&R re motions for abstention (non-core)
28:1335 28:1335	Interpleader Action
28:1337 28:1337	Sherman-Clayton Act
28:1338cp 28:1338	Copyright Infringement
28:1338pt 28:1338	Patent Infringement
28:1338tr 28:1338	Trademark Infringement
28:1340 28:1340	IRS: Custom Duties
28:1340er 28:1340	Recovery of Erroneous Refund
28:1341 28:1341	Complaint for Forfeiture
28:1343 28:1343	Violation of Civil Rights
28:1345co 28:1345	Replevin & Conversion
28:1345db 28:1345	Debt to US - FHA/HUD Title I
28:1345df 28:1345	Default of Promissory Note
28:1345er 28:1345	Recovery of Erroneous Refund
28:1345fc 28:1345	Foreclosure
28:1345ff 28:1345	Complaint for Forfeiture
28:1345hl 28:1345	VA Home Loan Guaranty Debt
28:1345mc 28:1345	Medical Care Recovery
28:1345mi 28:1345	Mining Claim Ejectment
28:1345pd 28:1345	Property Damage
28:1345pe 28:1345	Property Ejectment
28:1345rc 28:1345	Recovery of Debt to US
28:1345st 28:1345	Default of Student Loan

Cause of Action Codes

Code	Description
28:1345tp 28:1345	Trespass on Public Land
28:1345va 28:1345	Recovery of VA Overpayment
28:1346bc 28:1346	Breach of Contract
28:1346rc 28:1346	Recovery of IRS Tax
28:1346tc 28:1346	Tort Claim
28:1346wd 28:1346	Wrongful Death
28:1352 28:1352	Miller Act
28:1355 28:1355	Petition for Return of Property
28:1358 28:1358	Land Condemnation
28:1361 28:1361	Petition for Writ of Mandamus
28:1362ic 28:1362	Indian Tribal Controversy
28:1362iw 28:1362	Declaration re: Indian Tribal Water Rights
28:1364 28:1364	Auto Negligence
28:1391 28:1391	Personal Injury
28:1402 28:1402	Medical Malpractice
28:1407 28:1407	Airline Crash
28:1441ac 28:1441	Petition for Removal- Account Receivable
28:1441al 28:1441	Petition for Removal- Airline Crash
28:1441as 28:1441	Petition for Removal- Asbestos Litigation
28:1441au 28:1441	Petition for Removal- Auto Negligence
28:1441bc 28:1441	Petition for Removal- Breach of Contract
28:1441cv 28:1441	Petition for Removal- Civil Rights Act
28:1441df 28:1441	Petition for Removal- Contract Default
28:1441dj 28:1441	Petition for Removal- Declaratory Judgment
28:1441ds 28:1441	Petition for Removal- Contract Dispute
28:1441ed 28:1441	Petition for Removal - Employment Discrimination
28:1441fc 28:1441	Petition for Removal - Fair Credit Reporting Act
28:1441fr 28:1441	Petition for Removal- Fraud
28:1441ij 28:1441	Petition for Removal- Injunctive/Declaratory Relief
28:1441in 28:1441	Petition for Removal- Insurance Contract
28:1441int 28:1441	Petition for Removal- Action for Interpleader
28:1441lb 28:1441	Petition for Removal Libel, Assault, Slander
28:1441lm 28:1441	Petition for Removal- Labor/Mgmnt. Relations
28:1441mm 28:1441	Petition for Removal- Medical Malpractice
28:1441ni 28:1441	Petition for Removal- Negotiable Instrument
28:1441nm 28:1441	Petition for Removal- Non-Motor Vehicle
28:1441oc 28:1441	Petition For Removal--Other Contract
28:1441pd 28:1441	Petition for Removal- Property Damage
28:1441pi 28:1441	Petition for Removal- Personal Injury
28:1441pl 28:1441	Petition for Removal- Product Liability
28:1441pr 28:1441	Petition for Removal
28:1441qt 28:1441	Petition for Removal- Petition to Quiet Title
28:1441ri 28:1441	Petition for Removal- Racketeering (RICO)
28:1441sa 28:1441	Petition for Removal: SEC Act
28:1441sf 28:1441	Petition for Removal: Securities Fraud
28:1441tl 28:1441	Petition for Removal- Torts to Land
28:1441tm 28:1441	Petition for Removal- Tort/Motor Vehicle (P.I.)
28:1441tn 28:1441	Petition for Removal- Tort/Non-Motor Vehicle
28:1441wd 28:1441	Petition for Removal- Wrongful Death
28:1442bc 28:1442	Petition for Removal- Breach of Contract
28:1442pr 28:1442	Petition for Removal
28:1443 28:1443(1)	Rent, Lease & Ejectment
28:1444 28:1444	Petition for Removal- Foreclosure
28:1446in 28:1446	Breach of Contract- Insurance

Cause of Action Codes

Code	Description
28:1446pd 28:1446	Petition for Removal- Property Damage (P.I)
28:1446pi 28:1446	Petition for Removal- Personal Injury
28:1446pl 28:1446pl	Petition for Removal - Product Liability
28:1446pr 28:1446	Petition for Removal
28:1452 28:1452	R&R re motions to remand (non-core)
28:1651 28:1651	Petition for Writ of Coram Nobis
28:1651hc 28:1651	Petition for Writ of Habeas Corpus
28:1651mn 28:1651	Petition for Writ of Mandamus
28:1983 28:1983	Civil Rights
28:2201 28:2201	Constitutionality of State Statute(s)
28:2201dj 28:2201	Declaratory Judgment
28:2201ij 28:2201	Injunction
28:2201in 28:2201	Declaratory Judgment (Insurance)
28:2241 28:2241	Petition for Writ of Habeas Corpus (federal)
28:2254 28:2254	Petition for Writ of Habeas Corpus (State)
28:2254se 28:2254	Ptn for Writ of H/C - Stay of Execution
28:2255 28:2255	Motion to Vacate / Correct Illegal Sentence
28:2271 28:2271	Federal Tort Claims Act
28:2345 28:2345	Medicare Recovery
28:2409 28:2409(a)	Quiet Title Action
28:2410 28:2410	Quiet Title
28:2671 28:2671	Federal Tort Claims Act
28:2674 28:2674	Federal Tort Claims Act
28:7402 28:7402	Refund of Taxes
28:7422 28:7422	Appeal from Administrative Decision
29:0151 29:151	Labor: Review of Agency Action
29:0160 29:160(1)	National Labor Relations Act
29:0184 29:184	Violation Collection Bargain Agreement
29:0185ep 29:185	Employee Pension Plan
29:0185lm 29:185	Labor/Mgt. Relations (Contracts)
29:0201do 29:201	Denial of Overtime Compensation
29:0201fl 29:201	Fair Labor Standards Act
29:0203 29:203	Equal Pay Act
29:0206 29:206	Collect Unpaid Wages
29:0401 29:0401	Labor Management Disclosure Act
29:0621 29:621	Job Discrimination (Age)
29:0623 29:623	Job Discrimination (Age)
29:0626 29:626	Job Discrimination (Age)
29:0633 29:633	Job Discrimination (Age)
29:0651 29:651	Occupational Safety/Health
29:0754 29:754	Discrimination
29:0791 29:791	Job Discrimination (Rehabilitation Act)
29:0794 29:0794	Job Discrimination (Handicap)
29:1001 29:1001	E.R.I.S.A.: Employee Retirement
29:1002 29:1002	E.R.I.S.A.: Employee Retirement
29:1104 29:1104	Recovery of Benefits to Employee
29:1109 29:1109	Breach of Fiduciary Duties
29:1131 29:1131	E.R.I.S.A - Collection of Delinquent Trust Funds
29:1132 29:1132	E.R.I.S.A.-Employee Benefits
29:1145 29:1145	E.R.I.S.A.
29:1149 29:1149	Recover Pension & Profit Sharing
29:1337 29:1337	E.R.I.S.A.
29:1362 29:1362	E.R.I.S.A
29:1381 29:1381	E.R.I.S.A.

Cause of Action Codes

Code	Description
29:1401 29:1401(b)(2)	Appeal of Arbitration Award
29:1451 29:1451	E.R.I.S.A.
29:1801 29:1801	Farmworker Rights
29:790 29:790	Rehabilitation of Labor
30:0181 30:181	Environment: Review of Agency Action
30:0801 30:0801	Penalties/Federal Mine Safety Health Act
30:1201 30:1201	Environment: Review of Agency Action
30:1202 30:1202	Mining Reclamation Act
30:1276 30:1276	Interior: Review of Agency Action
31:3545 31:3545	Action to Recovery Money
31:3729 31:3729	False Claims Act
31:3731 31:3731	Fraud
33:1319cw 33:1319	Clean Water Act
33:1319pv 33:1319	Pollutants & Permit Violations
33:1365 33:1365	Environmental Matters
35:0145 35:145	Patent Infringement
35:0183 35:183	Patent Infringement
35:0271 35:271	Patent Infringement
38:1681 38:1681	Recovery of VA Overpayment
38:1686 38:1686	Recovery of VA Overpayment
38:1780 38:1780	Recovery of VA Overpayment
38:2011 38:2011	Veteran's Readjustment Assistance Act of 1974
38:3116 38:3116	VA Overpayment
39:3005 39:3005	Detention of Mail for Temporary Periods
39:409 9:409	Postal Service
40:0258 40:258(a)	Public Buildings & Property: Land Condemnation
40:0270 40:270	Miller Act
40:0875 40:875	Public Buildings & Property: Negligence
41:0251 41:251	Public Contracts-Review of Agency Action
41:1463 41:1463	Public Contracts: Unlawful Employment Practices
42:0205 42:205	Denial Social Security Benefits
42:0206 42:206	Social Security Benefits
42:0247 42:247	Personal Injury-Swine Flu
42:0402 42:402	Social Security Benefits
42:0405id 42:405	Review of HHS Decision (SSID)
42:0405wc 42:405	Review of HHS Decision (DIWC)
42:0405ww 42:405	Review of HHS Decision (DIWW)
42:0416 42:416	Denial of Social Security Benefits
42:0427 42:427	Social Security Benefits
42:1383 42:1383	Review of HHS Decision
42:1395 42:1395	HHS: Adverse Reimbursement Review
42:1396 42:1396	Tort Negligence
42:1471 42:1471	Declaratory & Injunctive Relief û Foreclosure Sale
42:1981cv 42:1981	Civil Rights
42:1981hs 42:1981	Housing Discrimination
42:1981jb 42:1981	Job Discrimination (Race)
42:1981sx 42:1981	Sex Discrimination
42:1983cv 42:1983	Civil Rights Act
42:1983ed 42:1983	Civil Rights (Employment Discrimination)
42:1983pr 42:1983	Prisoner Civil Rights
42:1986 42:1986	Neglect of Duty
42:2000ag 42:2000	Job Discrimination (Age)
42:2000e 42:2000e	Job Discrimination (Employment)

Cause of Action Codes	
Code	**Description**
42:2000pb 42:2000	Job Discrimination (Public Accommodations)
42:2000ra 42:2000	Job Discrimination (Race)
42:2000sx 42:2000	Job Discrimination (Sex)
42:2003 42:2003	Job Discrimination
42:2005 42:2005	Review of Agency Action-HHS
42:2651 42:2651	Medical Care Recovery
42:3601 42:405	Fair Housing Act
42:4000 42:4000	National Flood Insurance Act
42:4001 42:4001	National Insurance Flood Act
42:4053 42:4053	Breach of Insurance Contract
42:4072 42:4072	Payment of Flood Insurance Claim
42:4321 42:4321	Review of Agency Action-Environment
42:4332 42:4332	Environmental Policy - Coop of Agency Reports
42:6901en 42:6901	Environmental Cleanup Expenses
42:6901rs 42:6901	Resource & Recovery Act
42:7413 42:7413(b)	Clean Air Act
42:7604cl 42:7604	Clear Air Act (Emission Standards)
42:7604ir 42:7604	Petition to Quash IRS Summons
42:9607 42:9607	Real Property Tort to Land
43:945 43:945	Compensation for Land Condemnation
43:945a 43:945a	Complaint in Condemnation
43:946 43:946	Complaint in Condemnation - Eminent Domain
45:0051 45:51	Railways: Fed. Employer's Liability Act
45:0151 45:151	Railway Labor Act
45:0184 45:184	Action to Set Aside Award of a System Board
45:1395 45:1395	Railroads: Adverse Reimbursement Review
45:7457 45:7457	Compel Reclamation under Clear Air Act
46:0688 46:688	Jones Act
46:0741 46:741	Shipping
46:0761 46:761	Shipping: Damages for Death on High Seas
46:1101 46:1101	Violation of Maritime Regulations
46:1156 46:1156	Administrative Procedure Act
48:0883 48:883	Violation of US Coastal Law
48:1985 48:1985	Conspiracy/Deprivation Civil Rights
49:0081 49:81	Damaged Goods While Being Transported
49:0781 49:781	Forfeiture
49:11503 49:11503	Railroad Revitalization Regulatory Reform
49:11702 49:11702(a)(4)	Violations of Interstate Commerce Act
49:1471 49:1471	Federal Aviation Act
49:1903 49:1903	Petition to enforce administrative summon
8:287 8:287	Petition to Enforce INS Subpoena
misc Civil Miscellaneous Case	

SOUTHERN DISTRICT OF FLORIDA - LOCAL CODES	
Code	**Description**
adsup	Administrative Subpoena
apptrec	Appointment of receiver
bvcmp	Bivens - Federal Prisoner Civil Rights
contempt	Contempt Proceedings
disbar	Disbarment Proceedings
fordepo	Foreign Deposition
menfsubp	Motion to enforce deposition subpoena
motcomp	Motion to Compel
motjudrev	Motion for Judicial Review

Cause of Action Codes

Code	Description
motquash	Motion to Quash
motret	Motion for Return of Property
motstaybkc	Motion to Stay Bankruptcy Proceedings
mottro	Motion for Temporary Restraining Order
petenf	Petition to Enforce IRS Summons
petper	Petition to Perpetuate Testimony
regjgm	Registration of Foreign Judgment
tranbkref	Transmission of Bankruptcy Reference
tranff	Transmission of Proposed Findings of Fact and Concl. of Law
writgar	Application for a Writ of Garnishment
writman	Writ of Mandamus

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____	)	
Plaintiff/Petitioner	)	
v.	)	Civil Action No.
_____	)	
Defendant/Respondent	)	

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____ . If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: $ _____ , and my take-home pay or wages are: $ _____ per *(specify pay period)* _____ .

3. *Other Income.* In the past 12 months, I have received income from the following sources *(check all that apply)*:

(a) Business, profession, or other self-employment	❒ Yes	❒ No
(b) Rent payments, interest, or dividends	❒ Yes	❒ No
(c) Pension, annuity, or life insurance payments	❒ Yes	❒ No
(d) Disability, or worker's compensation payments	❒ Yes	❒ No
(e) Gifts, or inheritances	❒ Yes	❒ No
(f) Any other sources	❒ Yes	❒ No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: $ _____ .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

_____
Applicant's signature

_____
Printed name

AO 239 (01/09) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____	)	
Plaintiff/Petitioner	)	
v.	)	Civil Action No.
_____	)	
Defendant/Respondent	)	

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Long Form)

Affidavit in Support of the Application

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested. I declare under penalty of perjury that the information below is true and understand that a false statement may result in a dismissal of my claims.

Signed: _____

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write 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, your case's docket number, and the question number.

Date: _____

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	**Average monthly income amount during the past 12 months**		**Income amount expected next month**	
	You	Spouse	You	Spouse
Employment	$	$	$	$
Self-employment	$	$	$	$
Income from real property *(such as rental income)*	$	$	$	$
Interest and dividends	$	$	$	$
Gifts	$	$	$	$
Alimony	$	$	$	$
Child support	$	$	$	$

Retirement *(such as social security, pensions, annuities, insurance)*	$	$	$	$
Disability *(such as social security, insurance payments)*	$	$	$	$
Unemployment payments	$	$	$	$
Public-assistance *(such as welfare)*	$	$	$	$
Other *(specify)*:	$	$	$	$
Total monthly income:	$	$	$	$

2. List your employment history for the past two years, most recent employer first. *(Gross monthly pay is before taxes or other deductions.)*

Employer	**Address**	**Dates of employment**	**Gross monthly pay**
			$
			$

3. List your spouse's employment history for the past two years, most recent employer first. *(Gross monthly pay is before taxes or other deductions.)*

Employer	**Address**	**Dates of employment**	**Gross monthly pay**
			$
			$
			$

4. How much cash do you and your spouse have? $ _____

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	**Type of account**	**Amount you have**	**Amount your spouse has**
		$	$
		$	$
		$	$

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Assets owned by you or your spouse	
Home *(Value)*	$
Other real estate *(Value)*	$
Motor vehicle *#1* *(Value)*	$
Make and year:	
Model:	
Registration #:	
Motor vehicle *#2* *(Value)*	$
Make and year:	
Model:	
Registration #:	
Other assets *(Value)*	$
Other assets *(Value)*	$

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	**Amount owed to you**	**Amount owed to your spouse**
	$	**$**
	$	**$**
	$	**$**

7. State the persons who rely on you or your spouse for support.

Name (or, if under 18, initials only)	**Relationship**	**Age**

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment *(including lot rented for mobile home)* Are real estate taxes included? ❒ Yes ❒ No Is property insurance included? ❒ Yes ❒ No	$	$
Utilities *(electricity, heating fuel, water, sewer, and telephone)*	$	$
Home maintenance *(repairs and upkeep)*	$	$
Food	$	$
Clothing	$	$
Laundry and dry-cleaning	$	$
Medical and dental expenses	$	$
Transportation *(not including motor vehicle payments)*	$	$
Recreation, entertainment, newspapers, magazines, etc.	$	$
Insurance *(not deducted from wages or included in mortgage payments)*		
Homeowner's or renter's:	$	$
Life:	$	$
Health:	$	$
Motor vehicle:	$	$
Other:	$	$
Taxes *(not deducted from wages or included in mortgage payments) (specify):*	$	$
Installment payments		
Motor vehicle:	$	$
Credit card *(name)*:	$	$
Department store *(name)*:	$	$
Other:	$	$
Alimony, maintenance, and support paid to others	$	$

Regular expenses for operation of business, profession, or farm *(attach detailed statement)*	**$**	**$**
Other *(specify)*:	**$**	**$**
Total monthly expenses:	**$**	**$**

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

❒ Yes ❒ No If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? ❒ Yes ❒ No

If yes, how much? $ _____
If yes, state the attorney's name, address, and telephone number:

11. Have you paid — or will you be paying — anyone other than an attorney *(such as a paralegal or a typist)* any money for services in connection with this case, including the completion of this form? ❒ Yes ❒ No

If yes, how much? $ _____
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of these proceedings.

13. Identify the city and state of your legal residence.

Your daytime phone number: _____

Your age: _____ Your years of schooling: _____

Last four digits of your social-security number: _____

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____	)	
Plaintiff(s)	)	
v.	)	Civil Action No.
	)	
_____	)	
Defendant(s)	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____

Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____ was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

.

My fees are $ _____ for travel and $ _____ for services, for a total of $ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 398 (Rev. 01/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: _____

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within _____ days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: _____

_____
Signature of the attorney or unrepresented party

_____
Printed name

_____
Address

_____
E-mail address

_____
Telephone number

INSTRUCTIONS FOR FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT 42 U.S.C., SECTION 1983

This packet includes two forms:
(1) Complaint Under The Civil Rights Act, 42 U.S.C.§ 1983
(2) Application to Proceed Without Prepayment of Fees or Costs

To start an action under the you must file:
- an original, signed complaint,
- one copy of the complaint for *each* defendant named in the complaint. For example, if you name two defendants, you file the original complaint plus two copies. You should also keep a copy for your records. All copies of the complaint must be identical to the original, signed complaint.
- filing fee of $350.00 or an Application to Proceed Without Prepayment of Fees/Costs

Return the above forms and/or filing fee to the following address:

Clerk's Office
United States District Court
Southern District of Florida
400 North Miami Avenue, 8N09
Miami, FL 33128-7716

Your complaint must be legibly typewritten or clearly handwritten using a pen (do not use a pencil to complete these forms). As the plaintiff, you must sign and swear to the accuracy of the information in the complaint. If you need more space than is provided on the form, attach an additional blank page to the complaint.

Your complaint can be brought in this Court only if one or more of the named defendants is located within the Southern District of Florida. Also, you must file a separate complaint for each claim you have unless the claims are related to the same incident or issue.

In your complaint, you must provide the facts; you should not include legal arguments or citations).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Civil Case Number:_____

_____
(Write the full name of the plaintiff)

vs.

_____

_____

_____

_____
(Write the full name of the defendant/s in this case)

COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

I. Party Information

A. Plaintiff: _____

Address: _____

Inmate/Prison No.:_____

Year of Birth:_____(Do not include day or month, pursuant to Fed. R. Civ. P 5.2)

(Write your name, address and prison/inmate number, if applicable)

vs.

B. Defendant: _____ Defendant:_____

Official Position:_____ Official Position:_____

Place of Employment:_____ Place of Employment:_____

(Write the full name of each defendant, official position and place of employment. Attach a separate page if you need additional space for additional defendants.)

II. Statement of Claim

Briefly describe the facts of your case. Describe how each defendant is involved, names of other persons involved, and dates and places. Each claim should be stated in a separately numbered paragraph. Please use short and plain statements, with separately numbered paragraphs indicating why the relief requested should be granted. Do not include legal arguments or cite cases or statutes. Attach additional pages, if necessary.

_____

_____

_____

_____

_____

_____

_____

_____

_____

III. Relief Requested

Briefly state what you are requesting from the Court (what do you want the Court to do). Do not include legal arguments or cite cases or statutes. Attach additional pages, if necessary.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

IV. Jury Demand

Are you demanding a jury trial? ____ Yes ____ No

Signed this _____ day of _____, 20____

_____
Signature of Plaintiff

I declare under penalty of perjury that the foregoing is truce and correct.

Executed on:_____

_____
Signature of Plaintiff