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

CIVIL FILING REQUIREMENTS

REVISED March 1, 2016

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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.

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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
Ft. Pierce, FL 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.

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 an 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

Effective December 1, 2015, attorneys authorized to file electronically in the CM/ECF system must file emergency matters electronically using the events specifically earmarked for emergency matters. However, emergency motions in criminal cases that are also ex parte or sealed must be filed conventionally. A party appearing pro se must continue to file emergency matters conventionally.

A signed Certification of Emergency, attesting that the emergency was not caused by the filing party's lack of due diligence, must be filed at the time the emergency matter is filed. 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. *See Attachment B* *(Certification of Emergency)*. (Refer to Local Rule 7.1 and Section 10 of the CM/ECF Administrative Procedures for additional information.)

2J. Notification of 90 Days Expiring

Pursuant to Local Rule 7.1.B.4, a "Notice of Ninety Days Expiring" shall be filed within fourteen 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. Effective December 1, 2015, attorneys authorized to file electronically in the CM/ECF system must file sealed documents electronically in civil cases otherwise open to the public. In instances where the entire civil case is sealed, the initial complaint or other initiating documents as well as subsequent sealed filings must continue to 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.

Note: In civil cases only, the Motion to Seal (not the proposed sealed filing) and the docket text will be publically available on the docket unless otherwise ordered by the Court.

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. In addition, the filing party must submit a proposed order. The proposed filing to be sealed must be clearly marked as “sealed document”.

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 <u>imprinted</u> 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 C (Sample Complaint).* In addition, the Administrative Office of the U.S. Courts has developed additional forms for pro se litigants which can be found at http://www.uscourts.gov/forms/pro-se-forms.

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 D (Civil Cover Sheet) and Attachment E (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 F (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 G (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 H (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 G (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 I 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 http://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 http://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 cannot 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, 64, 69 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).
- Pursuant to Administrative Order 2014-86, Local Rule 67.1(c), and Florida Statute 77.28, the filing party shall no longer pay $100 into the Court registry and instead shall make that payment directly to the garnishee upon demand. 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 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 cannot 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 Attorneys (Pro Bono)

If you are a pro se litigant and seek the assistance of an attorney, you may request to participate in the Court's volunteer attorney program by submitting a request directed to the Judge in your case. There is no entitlement to the appointment of counsel. The Court in its discretion may direct that your case be placed on a list of available cases for consideration by volunteer attorneys. For additional information, please refer to Attorney Resources \ Volunteer Opportunities and Pro Bono Assistance on the Court's website at http://www.flsd.uscourts.gov.

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 electronically in the CM/ECF system, 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 http://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 [http://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 (http://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 No. _____ CV/CR _____
(Judge's Last Name/Magistrate's Last Name)

_____/ Plaintiff(s)
(Full Name of Plaintiff/s)
v.

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

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 the Court's Internal Operating Procedures, the matter has been assigned to the Honorable _____ through a blind random assignment process. The assignment of this emergency matter shall be of temporary duration, limited only to the immediate relief sought and the case for all other purposes or proceedings shall remain on the docket of the Judge to whom it was originally assigned.

[If Applicable] I hereby certify that the above Judge randomly assigned to this emergency is unavailable. (A copy of notification to the Clerk is on file). Therefore, in accordance with the Court's Internal Operating Procedures, the Honorable _____ has subsequently been assigned to the matter through a blind random assignment procedure. The assignment of this emergency matter shall be of temporary duration, limited only to the immediate relief sought and the case for all other purposes or proceedings shall remain on the docket of the Judge to whom it was originally assigned.

Dated this _____day of _____, 20_____.

STEVEN M. LARIMORE
Court Administrator · Clerk of Court
By: _____, Deputy Clerk

Attachment C - Complaint

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

_____

_____

_____

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

_____

_____

_____

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____

E-mail Address _____

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name _____

Job or Title (if known) _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address (if known) _____

Defendant No. 2

Name _____

Job or Title (if known) _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address (if known) _____

Defendant No. 3

Name _____

Job or Title (if known) _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____
(if known)

Defendant No. 4

Name _____

Job or Title _____
(if known)

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____
(if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than $75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

_____

_____

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. *Or* is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____. *Or* is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than $75,000, not counting interest and costs of court, because *(explain)*:

_____

_____

_____

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

_____

_____

_____

_____

_____

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

_____

_____

_____

_____

_____

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____, 20__.

Signature of Plaintiff _____

Printed Name of Plaintiff _____

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

Telephone Number _____

E-mail Address _____

ATTACHMENT D

JS 44 (Rev 12/12) (Modified by FLSD - April 29, 2013)

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 NEXT PAGE OF THIS FORM.)* **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS | **DEFENDANTS**

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

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

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

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

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
☐ 362 Personal Injury - Med Malpractice

PERSONAL INJURY
☐ 365 Personal Injury - Product Liability
☐ 367 Health Care/ Pharmaceutical 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
☐ 440 Other Civil Rights
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/ Accommodations
☐ 445 Amer w/Disabilities - Employment
☐ 446 Amer w/Disabilities - Other
☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
☐ 463 Alien Detainee
☐ 510 Motions to Vacate Sentence

Other:
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition
☐ 560 Civil Detainee – Conditions of Confinement

FORFEITURE/PENALTY
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt Relations
☐ 740 Railway Labor Act
☐ 751 Family and Medical Leave Act
☐ 790 Other Labor Litigation
☐ 791 Empl Ret Inc Security Act

IMMIGRATION
☐ 462 Naturalization Application
☐ 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
☐ 375 False Claims Act
☐ 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
☐ 850 Securities/Commodities/ Exchange
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 893 Environmental Matters
☐ 895 Freedom of Information Act
☐ 896 Arbitration
☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 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 ☐ 8 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S) *(See instructions):* 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

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT IFP JUDGE MAG JUDGE

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)".

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.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

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 E – 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
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
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
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
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
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.
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 – 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)
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
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
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

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

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 spent — or will you be spending — any money for expenses or attorney fees in conjunction with this lawsuit? ❒ Yes ❒ No

    If yes, how much? $ _____

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

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

    Your daytime phone number: _____

    Your age: _____ Your years of schooling: _____

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:

Attachment H - Notice of a Lawsuit and Request to Waive Service of a Summons

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

Attachment I – Instructions/Complaint Under Civil Rights Act

Instructions for Filing a
Complaint for Violation of Civil Rights
(Prisoner Complaint)

This packet includes three forms:

- Complaint for Violation of Civil Rights (Prisoner Complaint)
- Application to Proceed Without Prepayment of Fees or Costs (Short and Long Form)

To start an action, you must file:

- Original, signed complaint.
- One copy of the complaint for *each* defendant named in the complaint. For example, if you name two defendants, you must 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 $400.00 or an Application to Proceed Without Prepayment of Fees/Costs.

Return the above 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). 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 filed in this Court only if one or more of the named defendants are 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. Your complaint must provide the facts; you should not include legal arguments or citations.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

_____

_____

_____

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

_____

_____

_____

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights
(Prisoner Complaint)

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name _____

All other names by which you have been known:

_____

_____

ID Number _____

Current Institution _____

Address _____

_____

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

_____

☐ Individual capacity ☐ Official capacity

Defendant No. 2

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

_____

☐ Individual capacity ☐ Official capacity

Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

_____

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

_____

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388

(1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☐ Federal officials (a *Bivens* claim)

☐ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

_____

_____

_____

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

_____

_____

_____

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

_____

_____

_____

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows *(check all that*

apply):

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☐ Other *(explain)* _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

_____

_____

_____

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

_____

_____

_____

C. What date and approximate time did the events giving rise to your claim(s) occur?

_____

_____

_____

D. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

_____
_____
_____
_____
_____
_____
_____

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

_____
_____
_____
_____
_____
_____
_____
_____

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

_____
_____
_____
_____
_____

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

_____

_____

_____

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

_____

_____

_____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

_____

_____

_____

_____

2. What did you claim in your grievance?

_____

_____

_____

_____

3. What was the result, if any?

_____

_____

_____

_____

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

_____
_____
_____
_____

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

_____
_____
_____
_____

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

_____
_____
_____
_____

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

_____
_____
_____

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions,

while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☐ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

_____

_____

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

   Plaintiff(s) _____

   Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

   _____

3. Docket or index number

   _____

4. Name of Judge assigned to your case

_____

5. Approximate date of filing lawsuit

_____

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

_____

_____

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

_____

_____

3. Docket or index number

_____

4. Name of Judge assigned to your case

_____

5. Approximate date of filing lawsuit

_____

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was-judgment entered in your favor? Was the case appealed?)*

_____

_____

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____, 20__.

Signature of Plaintiff _____
Printed Name of Plaintiff _____
Prison Identification #_____
Prison Address _____

_____
City State Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____
Printed Name of Attorney _____
Bar Number _____
Name of Law Firm _____
Address _____
Telephone Number _____
E-mail Address _____

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

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 spent — or will you be spending — any money for expenses or attorney fees in conjunction with this lawsuit? ❒ Yes ❒ No

    If yes, how much? $ _____

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

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

    Your daytime phone number: _____

    Your age: _____ Your years of schooling: _____