



FILING A COMPLAINT IN YOUR OWN BEHALF

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Sandra Day O'Connor United States Courthouse
401 West Washington Street, Suite 130
Phoenix, AZ 85003

(602) 322-7200

Evo A. DeConcini United States Courthouse
405 West Congress Street
Tucson, AZ 85701

(520) 205-4200

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	TERMINOLOGY.....	1
III.	FILING YOUR CASE: INITIAL PLEADINGS.....	2
IV.	OTHER INFORMATION.....	4
	Change of Address.....	4
	Format of Documents.....	4
	Copies of Documents.....	4
V.	FEES.....	4
	Statutory Regulations.....	4
	Advance Payment Required.....	4
VI.	OPERATION OF THE CLERK'S OFFICE.....	4
	General Information.....	4
	Court's Address.....	4
	Geographic Jurisdiction.....	5
	Where to Obtain our Local Rules.....	5
	Where to Find the Federal Rules of Civil Procedure.....	5

ATTACHMENTS

1. What We Can and Cannot Do
2. Sample Format for Complaint
3. Summons Form
4. Notice of Lawsuit and Request for Waive of Service of Summons
5. Waiver of Service of Summons
6. Format for IFP Motion
7. F.R.Civ.P. 4
8. F.R.Civ.P 5.2
9. F.R.Civ.P. 8(a)
10. How to Calculate Time for Filing Documents
11. Schedule of Fees
12. Legal Services Organizations

I. INTRODUCTION

These procedural guidelines were written and compiled to assist an individual who wishes to file a civil action on his/her own behalf (Pro Se) before the United States District Court for the District of Arizona. These procedural guidelines may also be used by an individual who wishes to file a civil action on his/her own behalf who is found indigent by the court and may proceed without prepayment of costs or fees for filing a complaint in this court. Samples of most documents necessary to initiate an action in federal district court are included in this packet, as well as copies of any federal or local rules referenced in these guidelines.

These guidelines **CANNOT** take the place of an attorney's legal advice. They are by no means comprehensive and are only intended to assist you in understanding the basic terms and procedures required by the court.

This summary is intended only as a general guide. Any documents you file must comply with the Federal Rules of Civil Procedure (Fed.R.Civ.P.) and the District of Arizona Local Rules of Practice. The fact that you are not represented by an attorney does not relieve you of this overriding responsibility. Compliance with these rules is required.

Please be aware that the Clerk's Office staff are prohibited from giving legal advice pursuant to 28 USC §955. This includes:

- **offering interpretations of rules;**
- **recommending a course of action;**
- **predicting a decision a judicial officer might make on any given matter;**
- **interpreting the meaning or effect of any court order or judgment.**

II. TERMINOLOGY

To familiarize you with words you will hear frequently, the following is a list of some legal terms and their definitions:

PRO SE

If you are filing a lawsuit on your own and will represent yourself, you are proceeding pro se.

IN FORMA PAUPERIS

To proceed without prepayment of costs or fees for filing a complaint.

PLAINTIFF

The person who is filing the complaint against an individual, a corporation or company, or a government agency.

DEFENDANT

The party that is being sued.

LITIGANT

A party to a lawsuit

COUNSEL

One who has been admitted as an attorney at law to assist his/her client with advice and pleads for him/her in open court.

COMPLAINT

The document that a plaintiff files with the Clerk of Court to initiate a lawsuit. It contains a clear statement of the important information about the claim(s) of the plaintiff and identifies each defendant. (See F.R.Civ.P. 8(a))

ANSWER

A document filed by the defendant in response to the complaint.

SUMMONS

This is a formal command of the court, directed to the defendant, which informs the defendant that an action has been brought against him/her and an answer is required. (See F.R.Civ.P. 4)

MOTION

A request made to the court for the purpose of obtaining a ruling or order directing an act to be performed in favor of the applicant or movant. The court may either hold a hearing on the motion requiring the parties to appear OR the judge may decide the motion without a hearing. (See LRCiv 7.2 and LRCrim 12.1)

ORDER

An order is issued by a judge or a magistrate judge and usually directs the plaintiff or the defendant to do something. An order may also be issued to grant or deny a motion.

JUDGMENT

The official and authentic decision of a court adjudicating with finality the respective rights and claims of the parties to a suit.

JURISDICTION

The power or legal authority of the court to hear and decide a case.

DOCKET NUMBER

Civil case/civil action number assigned to a case by the court when a new complaint is filed. The number includes the "CV" designation for a civil case, followed by the last two digits of the calendar year in which the case is filed; the number of the case in the order filed during the calendar year, followed by the designation of the division where filed, and ending with the initials of the district judge to whom the case is assigned. (Example CV-96-12-PHX-RCB)

LODGED

The Clerk of Court receives a document for safekeeping until a decision is rendered by the judge as to whether the document shall be filed.

WAIVER OF SERVICE OF SUMMONS

Pursuant to F.R.Civ.P. 4, service of summons can be waived by the defendant. The "Waiver of Service" with its companion form "Notice of Lawsuit and Request for Waiver of Service of Summons" can be mailed by the Pro Se plaintiff by 1st class mail to each defendant to request the defendant to save costs by not requiring service of process.

SERVICE OF PROCESS

The service of writs, summonses, or rules to the party to whom they ought to be delivered.

III. FILING YOUR CASE: INITIAL PLEADINGS

The complaint must not include any personal identifiers (see FRCivP 5.2). When filing a complaint you must submit the following documents; examples of which are included in this packet as attachments (also refer to Section IV, page 4 of this packet for format information):

1. An original and one copy of the complaint.
2. An original and one copy of the summons listing each named defendant
3. \$400.00 filing and administrative fee made payable to Clerk, U.S. District Court.

OR

An original and one copy of a motion (request) to proceed in forma pauperis (IFP) with supporting information regarding your financial status, and an original and one copy of a proposed order granting leave to proceed in forma pauperis for the judge's signature. Copies of these forms are included in this packet.

NOTE: The term "**in forma pauperis**" refers to one's inability to pay the fees for filing and serving a complaint.

If filing in forma pauperis (IFP), the original complaint will be filed and assigned the next consecutive civil case number. You have the right to request that the judge order the U. S. Marshal to serve the summons and complaint, although you must describe the extraordinary circumstances that would prohibit you from arranging for service yourself. An original and one copy of each of the documents, including the complaint, are to be provided by the filer. These documents will be forwarded to the judge who is randomly assigned to the case. After reviewing the documents submitted to the court, the judge will determine whether or not you will be granted leave to proceed in forma pauperis. Once a decision has been made, you will receive a copy of the judge's order by mail.

If leave to proceed IFP is denied, your case will be dismissed unless you pay the filing fee.

If IFP is granted, YOU MUST SUBMIT AN ORIGINAL AND ONE COPY OF A SUMMONS PREPARED FOR EACH DEFENDANT AND the clerk will issue the summons(es) AND RETURN THEM TO YOU FOR SERVICE. You will be responsible for initiating service of a summons and the complaint upon each of the other parties in accordance with Rule 4 of the F.R.Civ.P, a copy of which is included in this packet. You may also choose to serve the defendant(s) by mail as described in Rule 4 of the F.R.Civ.P. If you wish to make service by mail, complete Form 398 (Notice of Lawsuit and Request for Waiver of Service), and Form 399 (Waiver of Service of Summons), both of which are included in this packet. If you had requested that the U. S. Marshal make service on your behalf and the judge granted your request, the court will send you various forms to complete and return to the Clerk's Office. The clerk will then issue the summons(es) and forward the documents to the U.S. Marshal's Office for service pursuant to the Federal Rules of Civil Procedure.

If you are paying the \$400.00 filing and administrative fee, the complaint and all other documents submitted to the court will be filed and assigned the next consecutive civil case number. An original and one copy of each of the documents, including the complaint, are to be provided by the filer. Keep in mind, however, that an original and one copy of the summons form should be prepared for each named defendant. The complaint and supporting documents will be forwarded to the judge who is randomly assigned to the case. If you have submitted summonses, we will issue them and return them to you at the time you file your complaint. You will be responsible for serving the summons and complaint upon the defendant(s) in accordance with Rule 4 of the F.R.Civ.P. You may choose to serve the defendant(s) by waiver of service, as described in Rule 4 of the F.R.Civ.P. A copy of F.R.Civ.P. 4 is in this packet. If you wish to make service by mail, complete Form 398 (Notice of Lawsuit and Request for Waiver of Service), and Form 399 (Waiver of Service of Summons), both of which are included in this packet.

IV. OTHER INFORMATION

All documents filed with the court should bear the correct civil action number and the initials of the district judge to whom the case is assigned. The case number format will be provided to you by the court at the time a case number and judge are assigned.

Change of Address

If you should change your address, LRCiv 83.3(d) requires that you file and serve a written notice of a change of address.

Format of Documents

All documents shall be submitted for filing on 8 ½ by 11 inch white paper.

Pursuant to F.R.Civ.P. 11, each pleading must be signed by at least one attorney of record or the pro se litigant, if self-represented.

A name, address and telephone number are required on all pleadings. All pleadings and papers must be presented according to the requirements set forth in LRCiv 7.1 and LRCrim 12.1).

Copies of Documents

All documents shall be submitted for filing in an original and one copy. If you desire to receive a file stamped copy, you must provide an additional copies of the document. A self-addressed stamped envelope is required if done by mail.

V. FEES

Statutory Regulations

The Judicial Conference of the United States, pursuant to Title 28, U.S.C. § 1914(b) and 1930, adopted a schedule of fees for filings in the United States Courts (copy attached). All checks and/or money orders shall be made payable to the Clerk, U.S. District Court.

Advance Payment Required

Fees are due at the time of filing. If no filing fee or application for in forma pauperis status is received with the filing of a summons and complaint, and a filing fee is required, summons will not be issued until the fee requirement is met or in forma pauperis status is granted.

Payment of copy fees or search fees is required at the time the request is made.

VI. OPERATION OF THE CLERK'S OFFICE

General Information

The District Court Clerk's Office in Phoenix and Tucson are open for business between the hours of 8:30 a.m. and 5:00 p.m., except for Saturdays, Sundays and legal holidays.

Court's Address

The United States District Court for the District of Arizona has two separate staffed locations:

PHOENIX

Sandra Day O'Connor U.S. Courthouse
401 West Washington Street, Suite 130, SPC 1
Phoenix, AZ 85003-2118
(602) 322-7200

TUCSON

Evo A. DeConcini U.S. Courthouse
405 West Congress Street, Suite 1500
Tucson, AZ 85701
(520) 205-4200

Geographic Jurisdiction

The District covers the entire state of Arizona. However, the District is divided into three divisions, each named and comprising counties as follows:

- Phoenix Division: Maricopa, Pinal, Yuma, La Paz and Gila counties
- Prescott Division: Apache, Navajo, Coconino, Mohave, and Yavapai counties.
- Tucson Division: Pima, Cochise, Santa Cruz, Graham, and Greenlee counties.

All files and records of the Phoenix and Prescott divisions are kept at Phoenix and all files and records of the Tucson division are kept at Tucson. Documents should either be mailed or hand delivered to the appropriate office.

Where to Obtain our Local Rules

The Local Rules of Practice of the United States District Court for the District of Arizona may be obtained from our website, www.azd.uscourts.gov, (Opinions / Orders / Rules, Local Rules) or upon request from the Clerk's Office Customer Service staff.

Where to Find the Federal Rules of Civil Procedure

The Federal Rules of Civil Procedure (Fed.R.Civ.P.) are available for viewing at the following law libraries:

Maricopa County Law Library
201 West Jefferson
Phoenix, AZ
(602) 506-3461

Pima County Law Library
110 West Congress, 2nd Floor
Tucson, AZ
(520) 621-1413

U of A Law Library
Speedway & Mountain
Tucson, AZ
(520) 740-8456



Welcome to the U.S. District Court District of Arizona

WE ARE HAPPY TO HELP YOU IF WE CAN. HOWEVER, WE ARE ALLOWED TO HELP YOU ONLY IN CERTAIN WAYS, SINCE WE MUST BE FAIR TO EVERYONE.

This is a list of some things the court staff can and cannot do for you.

We can	explain and answer questions about how the court works	We cannot	tell you whether or not you should file a case
We can	provide you with the number of the local lawyer referral service, legal services programs and other services where you can get legal information	We cannot	give you an opinion about what will happen if you bring your case to court
We can	give you general information about court rules, procedures, and practices	We cannot	tell you what words to use in your court papers
We can	provide court schedules	We cannot	talk to the judge for you or let you talk to the judge outside of court
We can	provide you information from your case file	We cannot	tell you what to say in court
We can	provide you with court forms and instructions that are available	We cannot	tell you what you should do next in your case
We can	usually answer questions about court deadlines	We cannot	provide you a copy of an order until it is filed in by the Clerk's Office
		We cannot	compute deadlines in your particular case

Since court staff may not know the answers to all questions about court rules, procedures, and practices, and because we don't want to give you wrong information, we have been instructed not to answer questions if we do not know the correct answers. For additional information, please contact a lawyer or your local law library, or visit our web site at www.azd.uscourts.gov.

1 Your Name
Address
2 City, State, Zip
Telephone Number
3
4
5

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
8

9 Your Name,) CASE NUMBER WILL BE ASSIGNED
10 Plaintiff,) AT TIME OF FILING
11 vs.)
12 Defendant.) COMPLAINT
13)
14 _____)

15 **Jurisdiction**
16 (Separate Paragraph)
17

18 **Complaint**
19 (Separate Paragraph(s))
COMPLAINT MUST COMPLY WITH RULE 8(a)
20 (A copy of Rule 8(a) is attached)
21

22 **Demand**
(Separate Paragraph)
23
24

25 Dated: (YOUR SIGNATURE IN INK)
26 Your name typed or printed
Address
27 Telephone Number
28

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff</i>)	
v.)	Civil Action No.
_____)	
<i>Defendant</i>)	

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:

UNITED STATES DISTRICT COURT

for the

District of

Plaintiff
v.
Defendant

)
)
)
)
)

Civil Action No.

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

UNITED STATES DISTRICT COURT

for the

District of

Plaintiff v. Defendant Civil Action No.

WAIVER OF THE SERVICE OF SUMMONS

To: (Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date:

Signature of the attorney or unrepresented party

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

UNITED STATES DISTRICT COURT

for the

_____ District of _____

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

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

<p>Affidavit in Support of the Application</p> <p>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.</p> <p>Signed: _____</p>	<p>Instructions</p> <p>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.</p> <p>Date: _____</p>
--	---

- 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 <i>(such as rental income)</i>	\$	\$	\$	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$

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

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 (<i>Value</i>)	\$
Other real estate (<i>Value</i>)	\$
Motor vehicle #1 (<i>Value</i>)	\$
Make and year:	
Model:	
Registration #:	
Motor vehicle #2 (<i>Value</i>)	\$
Make and year:	
Model:	
Registration #:	
Other assets (<i>Value</i>)	\$
Other assets (<i>Value</i>)	\$

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

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

Regular expenses for operation of business, profession, or farm (<i>attach detailed statement</i>)	\$	\$
Other (<i>specify</i>):	\$	\$
Total monthly expenses:	\$	\$

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

Yes No If yes, describe on an attached sheet.

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

If yes, how much? \$ _____

If yes, state the attorney's name, address, and telephone number:

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

If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

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

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

Your daytime phone number: _____

Your age: _____ Your years of schooling: _____

Last four digits of your social-security number: _____

FEDERAL RULES OF CIVIL PROCEDURE

Rule 4. Summons

1. (a) Contents; Amendments.

(1) *Contents.* A summons must:

(A) name the court and the parties;

(B) be directed to the defendant;

(C) state the name and address of the plaintiff's attorney or — if unrepresented — of the plaintiff;

(D) state the time within which the defendant must appear and defend;

(E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint;

(F) be signed by the clerk; and

(G) bear the court's seal.

(2) *Amendments.* The court may permit a summons to be amended.

(b) Issuance.

On or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant. A summons — or a copy of a summons that is addressed to multiple defendants — must be issued for each defendant to be served.

(c) Service.

(1) *In General.* A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.

(2) *By Whom.* Any person who is at least 18 years old and not a party may serve a summons and complaint.

(3) *By a Marshal or Someone Specially Appointed.* At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.

(d) Waiving Service.

(1) *Requesting a Waiver.* An individual, corporation, or association that is subject to service under Rule 4(e), (f), or (h) has a duty to avoid unnecessary expenses of serving the summons. The plaintiff may notify such a defendant that an action has been commenced and request that the defendant waive service of a summons. The notice and request must:

(A) be in writing and be addressed:

(i) to the individual defendant; or

(ii) for a defendant subject to service under Rule 4(h), to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process;

(B) name the court where the complaint was filed;

(C) be accompanied by a copy of the complaint, 2 copies of a waiver form, and a prepaid means for returning the form;

(D) inform the defendant, using text prescribed in Form 5, of the consequences of waiving and not waiving service;

(E) state the date when the request is sent;

(F) give the defendant a reasonable time of at least 30 days after the request was sent — or at least 60 days if sent to the defendant outside any judicial district of the United States — to return the waiver; and

(G) be sent by first-class mail or other reliable means.

(2) *Failure to Waive.* If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant:

(A) the expenses later incurred in making service; and

(B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

(3) *Time to Answer After a Waiver.* A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent — or until 90 days after it was sent to the defendant outside any judicial district of the United States.

(4) *Results of Filing a Waiver.* When the plaintiff files a waiver, proof of service is not required and these rules apply as if a summons and complaint had been served at the time of filing the waiver.

(5) *Jurisdiction and Venue Not Waived.* Waiving service of a summons does not waive any objection to personal jurisdiction or to venue.

(e) *Serving an Individual Within a Judicial District of the United States.* Unless federal law provides otherwise, an individual — other than a minor, an incompetent person, or a person whose waiver has been filed — may be served in a judicial district of the United States by:

(1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or

(2) doing any of the following:

(A) delivering a copy of the summons and of the complaint to the individual personally;

(B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or

(C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

(f) *Serving an Individual in a Foreign Country.* Unless federal law provides otherwise, an individual - other than a minor, an incompetent person, or a person whose waiver has been filed - may be served at a place not within any judicial district of the United States:

(1) by any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;

(2) if there is no internationally agreed means, or if an international agreement allows but does not specify other means, by a method that is reasonably calculated to give notice:

(A) as prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction;

(B) as the foreign authority directs in response to a letter rogatory or letter of request; or

(C) unless prohibited by the foreign country's law, by:

(i) delivering a copy of the summons and of the complaint to the individual personally; or

(ii) using any form of mail that the clerk addresses and sends to the individual and that requires a signed receipt; or

(3) by other means not prohibited by international agreement, as the court orders.

(g) *Serving a Minor or an Incompetent Person.* A minor or an incompetent person in a judicial district of the United States must be served by following state law for serving a summons or like process on such a defendant in an action brought in the courts of general jurisdiction of the state where service is made. A minor or an incompetent person who is not

within any judicial district of the United States must be served in the manner prescribed by Rule 4(f)(2)(A), (f)(2)(B), or (f)(3).

(h) Serving a Corporation, Partnership, or Association. Unless federal law provides otherwise or the defendant's waiver has been filed, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served:

(1) in a judicial district of the United States:

(A) in the manner prescribed by Rule 4(e)(1) for serving an individual; or

(B) by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and — if the agent is one authorized by statute and the statute so requires — by also mailing a copy of each to the defendant; or

(2) at a place not within any judicial district of the United States, in any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2)(C)(i).

(i) Serving the United States and Its Agencies, Corporations, Officers, or Employees.

(1) *United States.* To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought — or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk — or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) *Agency; Corporation; Officer or Employee Sued in an Official Capacity.* To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

(3) *Officer or Employee Sued Individually.* To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

(4) Extending Time. The court must allow a party a reasonable time to cure its failure to:

(A) serve a person required to be served under Rule 4(i)(2), if the party has served either the United States attorney or the Attorney General of the United States; or

(B) serve the United States under Rule 4(i)(3), if the party has served the United States officer or employee.

(j) Serving a Foreign, State, or Local Government.

(1) Foreign State. A foreign state or its political subdivision, agency, or instrumentality must be served in accordance with 28 U.S.C. § 1608.

(2) State or Local Government. A state, a municipal corporation, or any other state-created governmental organization that is subject to suit must be served by:

(A) delivering a copy of the summons and of the complaint to its chief executive officer; or

(B) serving a copy of each in the manner prescribed by that state's law for serving a summons or like process on such a defendant.

(k) Territorial Limits of Effective Service.

(1) In General. Serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant:

(A) who is subject to the jurisdiction of a court of general jurisdiction in the state where the district court is located;

(B) who is a party joined under Rule 14 or 19 and is served within a judicial district of the United States and not more than 100 miles from where the summons was issued; or

(C) when authorized by a federal statute.

(2) Federal Claim Outside State-Court Jurisdiction. For a claim that arises under federal law, serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant if:

(A) the defendant is not subject to jurisdiction in any state's courts of general jurisdiction; and

(B) exercising jurisdiction is consistent with the United States Constitution and laws.

(l) Proving Service.

(1) Affidavit Required. Unless service is waived, proof of service must be made to the court. Except for service by a United States marshal or deputy marshal, proof must be by the server's affidavit.

(2) *Service Outside the United States.* Service not within any judicial district of the United States must be proved as follows:

(A) if made under Rule 4(f)(1), as provided in the applicable treaty or convention; or

(B) if made under Rule 4(f)(2) or (f)(3), by a receipt signed by the addressee, or by other evidence satisfying the court that the summons and complaint were delivered to the addressee.

(3) *Validity of Service; Amending Proof.* Failure to prove service does not affect the validity of service. The court may permit proof of service to be amended.

(m) *Time Limit for Service.* If a defendant is not served within 120 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

(n) *Asserting Jurisdiction over Property or Assets.*

(1) *Federal Law.* The court may assert jurisdiction over property if authorized by a federal statute. Notice to claimants of the property must be given as provided in the statute or by serving a summons under this rule.

(2) *State Law.* On a showing that personal jurisdiction over a defendant cannot be obtained in the district where the action is brought by reasonable efforts to serve a summons under this rule, the court may assert jurisdiction over the defendant's assets found in the district. Jurisdiction is acquired by seizing the assets under the circumstances and in the manner provided by state law in that district.

Rule 5.2. Privacy Protection For Filings Made with the Court

1. (a) Redacted Filings. Unless the court orders otherwise, in an electronic or paper filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, a party or nonparty making the filing may include only:

- (1) the last four digits of the social-security number and taxpayer-identification number;
- (2) the year of the individual's birth;
- (3) the minor's initials; and
- (4) the last four digits of the financial-account number.

(b) Exemptions from the Redaction Requirement. The redaction requirement does not apply to the following:

- (1) a financial-account number that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- (2) the record of an administrative or agency proceeding;
- (3) the official record of a state-court proceeding;
- (4) the record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed;
- (5) a filing covered by Rule 5.2(c) or (d); and
- (6) a pro se filing in an action brought under 28 U.S.C. §§ 2241, 2254, or 2255.

(c) Limitations on Remote Access to Electronic Files; Social-Security Appeals and Immigration Cases. Unless the court orders otherwise, in an action for benefits under the Social Security Act, and in an action or proceeding relating to an order of removal, to relief from removal, or to immigration benefits or detention, access to an electronic file is authorized as follows:

- (1) the parties and their attorneys may have remote electronic access to any part of the case file, including the administrative record;
- (2) any other person may have electronic access to the full record at the courthouse, but may have remote electronic access only to:
 - (A) the docket maintained by the court; and
 - (B) an opinion, order, judgment, or other disposition of the court, but not any other part of the case file or the administrative record.

(d) Filings Made Under Seal. The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

(e) Protective Orders. For good cause, the court may by order in a case:

(1) require redaction of additional information; or

(2) limit or prohibit a nonparty's remote electronic access to a document filed with the court.

(f) Option for Additional Unredacted Filing Under Seal. A person making a redacted filing may also file an unredacted copy under seal. The court must retain the unredacted copy as part of the record.

(g) Option for Filing a Reference List. A filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be filed under seal and may be amended as of right. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information.

(h) Waiver of Protection of Identifiers. A person waives the protection of Rule 5.2(a) as to the person's own information by filing it without redaction and not under seal.

Rule 8. General Rules of Pleading

(a) Claim for Relief. A pleading that states a claim for relief must contain:

- (1)** a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (2)** a short and plain statement of the claim showing that the pleader is entitled to relief; and
- (3)** a demand for the relief sought, which may include relief in the alternative or different types of relief.

UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA

HOW TO CALCULATE TIME FOR FILING DOCUMENTS*

Authority: Rule 6 and 5(b) of Federal Rules of Civil Procedure

Under Rule 6(a), the day of the event that triggers the period is not counted. All other days—including intermediate Saturdays, Sundays, and federal legal holidays—are counted, with one exception: If the period ends on a Saturday, Sunday or legal holiday, then the deadline falls on the next day that is not a Saturday, Sunday, or legal holiday.

Under Rule 5(b), when a document is served by mail, the mailing of the document triggers the beginning of the period, not the date the document is received. The date the document was mailed will appear on the certificate of service, which is required to be sent with the document as provided in Rule 5(d). Under Rule 6(e), 3 additional calendar days are added to the period if the document is served by mail. **But these rules do not apply if the judge sets a specific calendar day as the deadline.**

Example 1: Plaintiff has 14 days to respond to defendant’s motion, which was **hand delivered** on Monday, August 23, 2010. The calculation begins on Tuesday, August 24, the day after service. The response is due no later than Tuesday, September 7, 2010 (Monday, September 6, 2010 is Labor Day).

Example 2: Plaintiff has 14 days to respond to defendant’s motion, which was **mailed** to plaintiff on Monday August 23, 2010. Plaintiff receives the motion on Wednesday, August 25, 2010. The calculation begins on Tuesday, August 24, the day after the document was **mailed**. But three additional days are added to the Example 1 calculations because the motion was mailed. Plaintiff’s response is due no later than Friday, September 9, 2010.

We hope that you find the above information helpful.

U.S. District Court Customer Services Staff.

**Court Personnel are not permitted to evaluate your case or to offer advice on how to proceed with your case. We can, however, provide you general information about court rules and procedures. The information above is intended to assist you in calculating the time for filing certain types of documents as required by court order, or by federal or local rules. We cannot perform the calculation for you, nor are we able to make a determination as to whether or not you are calculating the time correctly.*

Revised May 1, 2013

SCHEDULE OF FEES FOR U. S. DISTRICT COURT

When a check is used to pay any of the following fees, the check should be made payable to:

Clerk, U.S District Court.

FILING FEE - CIVIL ACTION, SUIT, OR PROCEEDING	350.00
ADMINISTRATIVE FEE FOR FILING A CIVIL ACTION, SUIT OR PROCEEDING IN A DISTRICT COURT	+ 50.00
	400.00
FILING FEE - ACTIONS BROUGHT UNDER TITLE III of Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114, 110 Stat. §785 (1996) (This fee is in addition to the filing fee prescribed in 28 U.S.C. 1914(a) for instituting any civil action other than a writ of habeas corpus.)	6,355.00
FILING FEE - PETITION FOR WRIT OF HABEAS CORPUS	5.00
FILING FEE - MOTION PURSUANT TO 28 U.S.C. 2255	NONE
FILING FEE - AMENDED COMPLAINT	NONE
FILING FEE - ANSWER	NONE
FILING FEE - JURY DEMAND	NONE
FILING OR INDEXING ANY PAPER not in a case or proceeding for which a case filing fee has been paid (i.e., petition to perpetuate testimony (Rule 27(a), F.R.Civ.P.), the filing of papers by trustees (28 U.S.C. 754), the filing of letters of request, Power of Attorney- surety bonds)	46.00
REGISTERING A JUDGMENT from another district (28 U.S.C. 1963)	46.00
A SEARCH OF THE RECORDS OF THE DISTRICT COURT per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.	30.00
CERTIFYING any document or paper (whether the certification is made directly on the document or by separate instrument). Please note there is a copy fee also	11.00

EXEMPLIFYING any document or paper Please note there is a copy fee also	21.00
REPRODUCING ANY RECORD OR PAPER (not including certification) - per page including original documents, microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.	.50
Electronic copies (printed from waiting area terminal) - per page printouts of docket or imaged documents	.10
COPIES OF OPINIONS (minimum charge \$1.00 per opinion) - per page	.25
REPRODUCTION OF RECORDED PROCEEDING, ANY MEDIUM	30.00
ADMISSION OF ATTORNEYS to practice (includes Certificate of Admission) for members of the Arizona State Bar only	206.00
ADMISSION OF ATTORNEYS BY PRO HAC VICE	50.00
DUPLICATE CERTIFICATE OF ADMISSION <u>or</u> CERTIFICATE OF GOOD STANDING	18.00
NINTH CIRCUIT DOCKETING FEE FOR NOTICE OF APPEAL	450.00
FILING FEE FOR NOTICE OF APPEAL	+ 5.00
(payable to Clerk, U. S. District Court)	455.00
MICROFICHE , for each microfiche sheet or microfilm jacket copy of any court record, where available	6.00
RETRIEVAL OF RECORD from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court	53.00
RETURNED CHECK paid into the court for lack of funds	53.00
AN APPEAL to a District Judge from a judgment of conviction by a Magistrate Judge in a misdemeanor case	37.00
REGISTRY FUND INVESTMENTS Basis points to be assessed from interest earnings	2.5 BPS

(Rev. May 1, 2013)

(Rev. June 2011)
(Attachment 12)

TO ANY PARTY/PERSON SEEKING LEGAL ASSISTANCE

LAWYER REFERRAL SERVICES

Maricopa County Bar Association
Phoenix, AZ
(602) 257-4434

Pima County Bar Association
Tucson, AZ
(520) 623-8258

The following is a list of legal service organizations in the state of Arizona for your use. We cannot and do not guarantee that any of these agencies will provide legal services or that their services will be free of charge. This handout is provided solely for information purposes.

LEGAL SERVICES ORGANIZATIONS IN THE STATE OF ARIZONA

MARI COPA COUNTY

Community Legal Services
305 S. 2nd Ave.
Phoenix, AZ 85003
Phone: (602) 258-3434
1-800-852-9075

Community Legal Services
East Valley Office
20 W. First St., Ste. 101-102
Mesa, AZ 85201
Phone: (480) 833-1442
1-800-896-3631

Advocates for the Disabled
650 N. 2nd Ave.
Phoenix, AZ 85003
Phone: (602) 212-2600
1-800-875-2272

William E. Morris Institute for
Justice (Class Action)
202 E. McDowell Rd., Ste. 257
Phoenix, AZ 85001
Phone: (602) 252-3432

Arizona Senior Citizens Law
Project
1818 S. 16th St.
Phoenix, AZ 85034
Phone: (602) 252-6710

Catholic Social Service
(Immigration)
1825 West Northern Ave.
Phoenix, AZ 85021-5298
Phone: (602) 997-6105

Friendly House (Immigration)
723 S. First Ave.
Phoenix, AZ 85004
Phone: (602) 257-1870

Arizona Center for Disability Law
5025 E. Washington St., Ste. 202
Phoenix, AZ 85034
Phone: (602) 274-6287
1-800-927-2260

PIMA COUNTY

Arizona Center for Disability Law
100 N. Stone Ave., Ste. 305
Tucson, AZ 85701
Phone: (520) 327-9547
1-800-922-1447

Southern Arizona Legal Aid
2343 E. Broadway, Ste. 200
Tucson, AZ 85719-6007
Phone: (520) 623-9465
1-800-640-9465

Arizona Center for Law
in the Public Interest
2205 E. Speedway
Tucson, AZ 85719
Phone: (520) 529-1798

APACHE, NAVAJO, & GILA COUNTIES

White Mountain Legal Aid
5658 Highway 260, Ste. 15
Lakeside, AZ 85929-5189
Phone: (928) 537-8383
1-800-658-7958

White Mountain Apache Legal
Services
New Human Services Building
P.O. Box 1030
Whiteriver, AZ 85941-1030
928-338-4845
1-866-312-2291

GRAHAM/ GREENLEE COUNTY

Southern Arizona Legal Aid
P.O. Box AL
2 Copper Queen Plaza, Unit 204
Bisbee, AZ 85603-0100
Phone: (520) 432-1639
1-800-231-7106

LA PAZ COUNTY

Community Legal Services
201 1st Ave. South
Yuma, AZ 85364-2250
Phone: (928) 782-7511
1-800-424-7962

PINAL COUNTY

Southern Arizona Legal Aid
766 North Park Avenue
Casa Grande, AZ 85122-3931
Phone: (520) 316-8076
1-877-718-8086

Four Rivers Indian Legal Services
403 Seed Farm Road
P.O. Box 68
Sacaton, AZ 85147-0001
Phone: (520) 562-3369
1-866-312-2290

COCHISE COUNTY

Southern Arizona Legal Aid
P.O. Box AL
2 Copper Queen Plaza, Unit 204
Bisbee, AZ 85603-0100
Phone: (520) 432-1639
1-800-231-7106

MOHAVE COUNTY

Community Legal Services
1720 Beverly Ave., Ste. A
Kingman, AZ 86409
Phone: (928) 681-1177
1-800-255-9031

SANTA CRUZ COUNTY

Southern Arizona Legal Aid
2343 E. Broadway, Ste. 200
Tucson, AZ 85719-6007
Phone: (520) 287-9441
1-800-248-6789

COCONINO COUNTY

DNA- People's Legal Services
2323 E. Green Law Lane, Ste. 1
Flagstaff, AZ 86004
Phone: (928) 774-0653

NORTHERN ARIZONA

DNA - Chinle Agency Office
P.O. Box 767
Chinle, AZ 86503
Phone: (928) 674-5242

DNA - Fort Defiance Agency Office
P.O. Box 306
Window Rock, AZ 86515
Phone: (928) 871-4151

DNA - Hopi Legal Services
P.O. Box 558
Keams Canyon, AZ 86034
Phone: (928) 738-2251
Fax: (928) 738-5343

DNA - Tuba City Agency Office
P.O. Box 765
Tuba City, AZ 86045
Phone: (928) 283-5265

YAVAPAI COUNTY

Community Legal Services
401 N. Mount Vernon Avenue
Prescott, AZ 86301
Phone: (928) 445-9240
1-800-233-5114

YUMA COUNTY

Community Legal Services
201 1st Avenue
Yuma, AZ 85364
Phone: (928) 782-7511
1-800-424-7962

STATEWIDE

Florence Immigrant & Refugee
Rights Project (INS detainees
only)
P.O. Box 654
Florence, AZ 85232-0654
Phone: (520) 868-0191

Asylum Program of Southern
Arizona (Immigration)
2221 E. Broadway, Suite 211
Tucson, AZ 85719
Phone: (520) 623-4555