

# United States District Court Western District of Washington

## FILING A COMPLAINT IN YOUR OWN BEHALF

Our Local Rules can be reviewed in paper form in the Clerk's Office, in the Library at the Seattle or Tacoma Courthouse, or on our website: [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov).

You can purchase the Local Rules from:  
LexisNexis at: [www.lexisnexis.com/printcdsc](http://www.lexisnexis.com/printcdsc) or call (800) 833-9844  
or  
Thomson West at <http://west.thomson.com> or call (800) 328-4880

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### FORMS and ASSISTANCE:

(Visit [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov), "**Representing Yourself**" section, or contact the Clerk's Office.)

- Sample Complaint
- Summons Form
- Federal Rule of Civil Procedure 4: Summons
- Notice of Waiver and Waiver of Service for Summons
- JS-44 Civil Cover Sheet
- In Forma Pauperis (IFP) Application and Written Consent Form
- Schedule of Fees
- Free Legal Clinics
- Attorney Referral Service for Social Security/SSI cases

- Court's General Order: Public Access to Electronic Records

## **I. INTRODUCTION**

This manual is intended to assist an individual wishing to file a civil action in his/her own behalf (*pro se*) in the United States District Court, Western District of Washington. The **Federal Rules of Civil Procedure (FRCP)** and the **Local Rules** of this Court control how civil cases must be filed and processed.

**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,**
- **interpreting the meaning or effect of any court order or judgment.**

**This summary is intended only as a general guide. It does not take the place of the Federal Civil Procedure and Rules or the Local Rules. It does not relieve a *pro se* litigant of the responsibility of complying with this Court's Local Rules.**

Do not worry that your documents are not professionally written. The court will take into consideration that you are proceeding without an attorney and are untrained in drafting legal documents. You should, however, make every effort to state your case in clear, concise terms.

**You should keep a copy for your records of any document filed in paper or electronically with the court.**

All pleadings must be delivered or mailed to the Clerk's Office in Seattle or Tacoma. No filings should be delivered directly to chambers unless so directed by the court. Pleadings filed in either the Seattle or Tacoma office are considered filed in the district on the day received. The Seattle and Tacoma offices send documents to the other office on a daily basis.

Once a case has been filed, it is very important to be diligent in pursuing the case by:

- making the case ready for trial,
- completing discovery within the limits and according to procedures, (**Local Civil Rules 26, 30, 32, 37.**)
- responding to all motions (**Local Civil Rule 7**),
- appearing for all conferences (**Local Civil Rule 16**), and hearings, and
- obeying all orders of the Court.  
**Failure to do so is grounds for dismissal (Local Civil Rule 41).**

## II. TERMINOLOGY

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

<b>PRO SE</b>	You appear <i>pro se</i> when you represent yourself in a legal action without the aid of counsel.
<b>PLAINTIFF</b>	Person who files the case.
<b>DEFENDANT</b>	Person who is being sued.
<b>PLEADING</b>	A paper filed with the court; specifically the complaint, answer, or cross complaints.
<b>COMPLAINT</b>	First pleading filed in a case. This is the document which starts a civil action.
<b>ALLEGATION</b>	A statement, or claim, made by the plaintiff against the defendant.
<b>SUMMONS</b>	This document, issued by the court, gives official notice to the defendant(s) that an action has been filed against them.
<b>SERVICE OF PROCESS</b>	You are responsible for the delivery of the complaint and summons on each defendant. See Federal Rules of Civil Procedure (FRCP) 4.
<b>WAIVER OF SERVICE OF SUMMONS</b>	Pursuant to FRCP 4, service of summons can be waived by the defendant. The Waiver of Service form, along with the Notice of Lawsuit and Request for Waiver of Service of Summons, can be mailed by first class mail to each defendant by the plaintiff to request the defendant to save costs by not requiring service of process. <b>The "Notice" and "Waiver" forms are not for service in actions against federal, state, or local governments or agencies.</b>
<b>ANSWER</b>	The defendant's response to the complaint.

**MOTION**

A request that a judge make a ruling or take some action. All motions should be written and properly noted. See Local Civil Rule 7.

**IN FORMA  
PAUPERIS**

This is also referred to as "IFP." The filing fee in this court is \$350.00 for a new civil action. If you are unable to pay this fee, you may fill out an IFP application requesting the court to waive the filing fee.

In conjunction with the IFP, a written consent form must be submitted. The written consent is an agreement to repay the court's costs if the plaintiff is successful in collecting a judgment.

*If IFP status is granted, it does not allow a person to obtain free copies or any other free services from the Clerk's Office.*

**CONSENT/  
REFERRAL**

U.S. district judges often will refer portions of their civil cases to one of the magistrate judges. This is known as a "referral." Questions regarding cases *on referral* to the magistrate judge should be directed to the district judge's staff.

After a civil case is filed, the district judge's courtroom deputy may send out a "Consent to Proceed" form to all counsel and pro se litigants. If all parties agree to the consent, the case is transferred to a magistrate judge. Any questions regarding a case *on consent* should be directed to the magistrate judge's staff.

**CLERK OF  
COURT**

An officer appointed by the court to work with the Chief Judge in overseeing the court's administration. The Clerk of Court's signature may sometimes appear on court documents; however, the Clerk of Court does not take phone calls or come to the counter regarding your case. Questions should be directed to the deputy clerk who works for the judge assigned to your case.

### III. FILING YOUR CASE: INITIAL PLEADING

#### Requirements for a New Civil Action:

- A) **Complaint** with original signature.
- B) An original **summons** for each named defendant to be issued by the clerk, or a **praecipe**, (a Latin word meaning “written request for an action”), requesting the clerk to not issue summons. (See Federal Rules of Civil Procedure 4)
- C) **Civil Cover Sheet** with original signature, and
- D) **\$350.00 filing fee** made payable to Clerk, U.S. District Court, or
- E) **Application to Proceed In Forma Pauperis**.

Here are more details on each of these requirements:

**COMPLAINT:** Visit [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov) or contact the Clerk’s Office to obtain these complaint forms:

:

- **Sample Complaint**
- **Title VII Employment Discrimination Complaint**
- **42 USC 1983 Civil Rights Complaint**

A complaint should contain the following information:

- **Name of the court.** This is the United States District Court for the Western District of Washington.
- **Name and address of all parties.** These are usually listed in the first and second paragraphs, respectively. If there is more than one defendant, list each defendant's name and address in separate additional paragraphs.
- **Title of the action.** For example, "Complaint."

- **The jurisdiction or reason your case is being filed in federal court.** (See Title 28 of the United States Code, § 1331(e) and sections following it.)
- **A short and plain statement of the claim** showing that you are entitled to relief.
- **A demand for judgment for the relief to which you are entitled.** This can be money or something you want the judge to make the defendant do, or stop doing.
- **Jury demand.** (See **Local Civil Rule 38.**)
- **Name, address, telephone number and signature of the plaintiff.** This information should be included on all documents filed with the court.
- It is **mandatory** that *pro se* litigants keep the Clerk's Office informed of their current address and telephone number during the entire lawsuit. (See **Local Rule CR 41 (b)2.**)

**SUMMONS:** You need a summons for **each** named defendant. (See **FRCP 4.**)

- Summons(es) are issued by the Clerk's Office.
- Summons(es) will not be issued for a *pro se* plaintiff until the complaint has been reviewed by a judicial officer.
- The only exception to this policy is when **all** defendants are local, state, or federal agencies or persons acting in their official capacity.
- Each summons must include information on how long a defendant has to answer your complaint.
  - The response time for a defendant residing within this state is 20 days.
  - The response time is 60 days for an out-of-state resident or U.S. government defendant.

To serve the United States or one of its agencies, you must prepare a summons for each:

- United States Attorney,
- Attorney General in Washington, D.C., and
- the governmental agency involved. (See **FRCP 4 (i)(1)**.)

Once the Clerk's Office has received permission from chambers to issue summons, you will be sent issued summons, waiver of summons and notice of waiver forms, instructions for service, this manual, and the Court's General Order.

- See **FRCP 4(c)** for specific instructions regarding methods of service.
- All service methods require that a copy of the complaint accompany either the summons or the notice of waiver/waiver form.
- **A court order is necessary to obtain service of process by the U.S. Marshal's Service. (See FRCP 4(c))**
- Service of the complaint on the defendant must be made within 120 days from the date of filing of the complaint or the case will be subject to dismissal. (See **FRCP 4(m)**.)

#### **CIVIL COVER**

**SHEET:** On the civil cover sheet, form JS 44, the plaintiff provides information to the Clerk's Office which is necessary to properly open the case.

- The cover sheet must have an original signature.

#### **FILING**

**FEE:** The filing fee can be paid by cash, personal check, cashier's check, money order, or credit card. You will receive a receipt for your payment. If you cannot afford to pay the filing fee you must complete and file both of the following forms available on our website and through the Clerk's Office:

- Application to Proceed In Forma Pauperis, and
- Written Consent.



## **IV. OTHER DOCUMENTS**

### **General Information**

Whenever you file a document with the court you must always serve a copy on each of the parties and indicate at the end of the document, or by a separate certificate of service, that you have done so. (See **Local Rule 5(f)**.)

All documents filed with the court should bear the correct civil action number, and the assigned judge's name should appear in the upper right hand corner. (See **Local Civil Rule 10(e)(8)**.)

Sign all documents you file with the court. Place the words "*pro se*" after your name. **Place your address and telephone number on all documents.** (See **FRCP 11(a)**.)

If you change your address or telephone number, it is your responsibility to notify the court **in writing within 60 days** so that you may receive copies of orders and other papers which may be mailed to you. (See **Local Rule CR 41(b)2**.)

### **Motion for Appointment of Counsel** (See **Title 28, United States Code Sec. 1915**.)

If you cannot afford an attorney, you can file a form asking the court to appoint one. The following forms are available to download from our website, or through the Clerk's Office:

- **Application for Appointment of Counsel - Employment Discrimination Cases**
- **Application for Appointment of Counsel - Non Employment Discrimination Cases (all cases other than Employment Discrimination)**
- **Financial Affidavit**

### **Format of Documents**

All documents shall be on 8-1/2 x 11 inch white paper and bear line numbers in the left margin. (See **Local Civil Rule 10**.)

**Length of Briefs** (See **Local Civil Rule 7(e).**)

- Opening and answering briefs relating to motions for summary judgment or other dispositive motions shall not exceed 24 pages without prior approval of the court.
- Briefs which relate to all other motions shall not exceed 12 pages without prior approval of the court.
- A reply brief shall not exceed one-half the permitted length of the opening brief without prior approval of the court.

**Dates and Signature Lines**

All pleadings shall be dated, signed as provided by Rule 11 of the Federal Rules of Civil Procedure and as provided in the Electronic Filing Procedures adopted by the Court, and have the signors' names printed or typed under all signature lines.

**Motions**

Motions are "noted." (That is, put on the court's calendar, see **Local Civil Rule 7(d).**) The noting date of the motion should appear on the face of the pleading directly under the document title.

Oral argument on a motion occurs only after a request is granted by the judge. Therefore, no party or counsel appears on motion day in U. S. District Court unless oral argument has been granted. If the court grants oral argument, counsel (including *pro se* litigants) will be contacted by the judge's clerk as to the date and time of argument. (See **Local Rule 7(b)(4).**)

**Subpoenas** (See **FRCP 45**)

- *Pro se* litigants cannot issue their own civil subpoenas for trial, deposition, or entry onto premises. This applies to the issuance of 'foreign' subpoenas (that is, subpoenas in other district courts) as well.
- **The court must issue civil subpoenas for *pro se* litigants.**
- Before any deposition subpoenas are issued by the Clerk's Office, the notice of deposition and proof of service of that notice must be on file.

### Orders of the Court

Court orders are sent either electronically for registered Electronic Case Filing users or by first class mail.

- **In most circumstances, deputy clerks do not know when the judge will sign an order.**

## **V. FEE SCHEDULE**

### Statutory Regulation

The Judicial Conference of the United States, pursuant to Title 28, U.S.C. Section 1914(b) and 1930, adopted a schedule of miscellaneous fees for filings in the United States Courts. All checks should be made payable to the Clerk, U. S. District Court.

### Type of Service and Fee

Civil action filing fee - \$350.00  
Miscellaneous case filing fee - \$39.00  
Registration of judgment filing fee - \$39.00  
Name Search - \$26.00  
Certification - \$9.00  
Admission of Attorneys - \$200.00  
Admission of Attorneys Pro Hac Vice - \$150.00  
Notice of Appeal Filing Fee - \$455.00  
Copy fee (hard copy) - \$.50 cents per page  
Copy fee (electronic) - \$.10 cents per page  
Retrieval of file from Archives - \$45.00 per case

### Advance Payment Requirement

- Fees are due at the time of filing.
- If no filing fee or Application to Proceed In Forma Pauperis 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 the Application to Proceed In Forma Pauperis is granted.

## **VI. OPERATION OF THE CLERK'S OFFICE: GENERAL INFORMATION**

The District Court Clerk's Offices in Seattle and Tacoma are open for business Monday through Friday between the hours of 9:00 AM and 4:30 PM, except for legal holidays. Documents filed after 4:30 PM can be left in the "Drop Box" outside the Clerk's Office to receive that day's filing date (buildings close at 5:00 PM).

## **VII. ADMINISTRATIVE INFORMATION**

### **Court's Addresses**

The United States District Court for the Western District of Washington has two separate locations:

United States Courthouse  
Lobby Level  
700 Stewart Street  
Seattle, WA 98101

United States Courthouse  
1717 Pacific Ave.  
Room 3100  
Tacoma, WA 98402-3200

### **Geographical Jurisdiction** (See **Local Civil Rule 5(e)**.)

The Western District of Washington consists of the following counties: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum and Whatcom.

All civil cases in which all defendants reside, or in which the claim arose, in the counties of Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Kitsap, Lewis, Mason, Pacific, Pierce, Skamania, Thurston and Wahkiakum shall be filed at Tacoma. All civil cases in which all defendants reside, or in which the claim arose in the remaining named counties are filed at Seattle.

## Clerk of Court

### Office Organization: SEATTLE

The Clerk of Court and Chief Deputy maintain permanent offices in Seattle. All civil and criminal documents are filed at the Clerk's Office. Each active judge has a team, consisting of one docket clerk and one courtroom deputy, which handles all cases, civil and criminal, for that judge. All docketing or scheduling questions should be addressed to the judge's team, not to chambers.

In addition, there are three full-time magistrate judges in Seattle. Each magistrate judge has one deputy clerk who handles all matters, civil and criminal, for that magistrate judge. All docketing or scheduling questions should be addressed to the judge's deputy clerk, not to chambers.

A financial deputy in Seattle handles financial matters for the Seattle office.

#### Phone Numbers:

Main Office	(206) 370-8400
CM/ECF Help Desk (for electronic filing questions)	(206) 370-8440
Interpreters	(206) 370-8428
Jury Section	(206) 370-8404
Financial Section	(206) 370-8415
Docketing Section	(206) 370-8450
Calendar Clerks	(206) 370-8516
Magistrate Clerks	(206) 370-8424

#### Additional Phone Numbers:

CJA Liaison	(206)553-1100 (Federal Public Defender)
Naturalization Inquiries	(206)526-6501 (Federal Records Center)

### Office Organization: TACOMA

The Deputy-in-Charge maintains an office in Tacoma. All civil and criminal documents are filed in the Clerk's Office, Room 3100. Each active judge has a team, consisting of one docket clerk and one courtroom deputy, which handles all cases, civil and criminal, for that judge. All docketing or scheduling questions should be addressed to the judge's team, not to chambers.

The full-time magistrate judge has a deputy clerk who handles both civil and criminal

matters. All docketing or scheduling questions should be directed to the Clerk's Office, not to chambers.

A financial deputy handles financial matters for the Tacoma office.

**Phone Numbers:**

Main Office	(253) 882-3800
Jury Section	(253) 882-3818
In-Court Deputies	(253) 882-3822
Magistrate Judge Support	(253) 882-3826

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