

# Procedural Guide for Pro Se Litigants



This information is provided merely as a guide to Pro Se Litigants. You should not rely on this information alone. Moreover, any complaint may be subject to dismissal on a variety of grounds.

November 2018

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IMPORTANT INFORMATION – PLEASE READ CAREFULLY

INSTRUCTIONS FOR FILING A CIVIL ACTION BY A NON-PRISONER

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INSTRUCTIONS AND PROCEDURES

**CIVIL COMPLAINT** – A civil action is commenced by filing a complaint with the court. You must complete and submit an original and two copies of the enclosed complaint form as well as the Civil Cover Sheet. You should also keep an additional copy of any document filed with the Court for your own records. All copies of the complaint must be identical to the original.

**FILING FEE** – The filing fee for a civil complaint is \$400.00. We accept Credit Cards, Checks and Money Orders that should be made payable to: Clerk, United States District Court.

**FILING IN FORMA PAUPERIS** – If you are unable to pay the filing fee, you may apply to the Court to allow you to file your complaint without the prepayment of the filing fee. Forms for your use are enclosed in this procedural guide. These forms must also accompany the complaint.

**\*\*If you are notified that the *in forma pauperis* application is denied by the court, you will be required to pay the filing fee in order for the complaint to be filed and your action to be commenced.\*\***

**SUMMONS** – Summonses shall be issued electronically and mailed to the plaintiff when, 1) the Filing fee has been paid or 2) the Judge permits the Plaintiff to proceed *in forma pauperis*. There is no need to submit a summons with your complaint. Refer to Rule 4 of the Federal Rules of Civil Procedure for instructions on how to serve a summons on a defendant.

Camden Clerk's Office  
Mitchell H. Cohen U.S. Courthouse  
One John F. Gerry Plaza, P.O Box 2797  
Fourth & Cooper Streets, Room 1050  
Camden, NJ 08101

Newark Clerk's Office  
Martin Luther King Jr. Federal Bldg  
& U.S. Courthouse  
50 Walnut St.  
Newark, NJ 07101

Trenton Clerk's Office  
Clarkson S. Fisher Bldg. &  
U.S. Courthouse  
402 East State Street, Rm 2020  
Trenton, NJ 08608

**PLEASE DO NOT** seek the assistance of an employee of the Clerk's Office to advise you in this matter. The Clerk's Office, under Title 28 U.S.C. § 955, is prohibited from providing any type of legal advice.

The United States District Court, District of New Jersey Website can be found at: [www.njd.uscourts.gov](http://www.njd.uscourts.gov)

TRIBUNAL FEDERAL DE PRIMERA INSTANCIA  
DISTRITO DE NUEVA JERSEY

INFORMACIÓN IMPORTANTE – SÍRVASE LEER DETENIDAMENTE

INSTRUCCIONES PARA PERSONAS NO ENCARCELADAS QUE  
PRESENTAN UNA DEMANDA CIVIL

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INSTRUCCIONES Y PROCEDIMIENTOS

**DEMANDA CIVIL** – Una acción civil se inicia al presentar una demanda ante el tribunal. Deberá llenar y entregar el original y dos copias del formulario de demanda adjunto, así como la Carátula para Acciones Civiles. Deberá, además, guardar una copia de todo documento que presente ante el tribunal para sus archivos. Las copias de la demanda deben ser idénticas al original.

**CUOTA DE REGISTRO**– Para una demanda civil, se cobra una cuota de registro de \$US 400,00. Se aceptan tarjetas de crédito, cheques y giros postales, pagables a: Clerk, United States District Court.

**CÓMO PRESENTAR UNA DEMANDA *IN FORMA PAUPERIS*** – Si no cuenta con los recursos para pagar la cuota de registro, podrá solicitarle al Tribunal permiso para presentar la demanda sin tener que pagar la cuota de registro de antemano. En esta guía de procedimientos se incluyen formularios que puede usar para ese fin. Deberá incluir dichos formularios con su demanda.

**\*\*Si se le notifica que el Tribunal ha denegado su petición *in forma pauperis*, se le exigirá pagar la cuota de registro para que la demanda se registre y para que se pueda iniciar su acción.\*\***

**ÓRDENES DE COMPARECENCIA** – Las órdenes de comparecencia se emitirán electrónicamente y serán enviadas al Demandante cuando 1) se haya pagado la cuota de registro o 2) el Juez le haya permitido al Demandante proceder *in forma pauperis*. No es necesario que Ud. incluya una orden de comparecencia con su demanda. Remítase a la Norma 4 de las Normas Federales Procesales Civiles para obtener instrucciones acerca de cómo notificar al Demandado.

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50 Walnut St.  
Newark, NJ 07101

Trenton Clerk's Office  
Clarkson S. Fisher Bldg. &  
U.S. Courthouse  
402 East State Street, Rm. 2020  
Trenton, NJ 08608

**TENGA LA BONDAD DE NO** pedir ayuda ni tampoco asesoría a los empleados de la Oficina del Secretario (Clerk's Office). Bajo el Título 28 del Código de los Estados Unidos, Artículo 955, se le prohíbe a la Oficina del Secretario proporcionar asesoramiento legal.

El sitio web del Tribunal Federal de Primera Instancia del Distrito de Nueva Jersey se encuentra en:  
[www.njd.uscourts.gov](http://www.njd.uscourts.gov)

## List of Attachments:

1. Glossary of Terms
2. Privacy Notice
3. Civil Case Timeline
4. (JS-44) Civil Cover Sheet
5. Complaint Form
6. (AO-239) Application to Proceed in District Court Without Prepaying Court Fees or Costs
7. Consent & Registration Form to Receive Documents Electronically
8. Helpful Hints
9. Motion Guide
10. Appendix K: Schedule of Fees

# Glossary

**ADVERSARY PROCESS** – the method courts use to resolve disputes; through the adversary process, each side in a dispute presents its case as persuasively as possible, subject to the rules of evidence, and an independent fact finder, either judge or jury, decides for one side or the other.

**ANSWER** - the formal written statement by a defendant responding to a complaint and setting forth the grounds for defense.

**APPEAL** – a request, made after a trial, asking another court (usually the court of appeals) to decide whether the trial was conducted properly. To make such a request is “to appeal” or “to take an appeal.”

**BENCH TRIAL** – a trial without a jury, in which the judge decides the facts.

**BRIEF** – a written statement submitted by the lawyer for each side in an appellate case that explains to the judges why they should decide the case in favor of that lawyer’s client.

**CASE LAW** – the law as laid down in the decisions of the courts; the law in cases that have been decided.

**CHAMBERS** - the offices of a judge.

**CHIEF DISTRICT JUDGE** – the judge who has primary responsibility for the administration of the district court, but also

decides cases; chief judges are determined by seniority.

**CLERK OF COURT** – an officer appointed by the court to work with the chief judge in overseeing the court’s administration, especially to assist in managing the flow of cases through the court.

**COMPLAINT** – a written statement by the person starting a lawsuit; the complaint states the wrongs allegedly committed by the defendant.

**CONTRACT** – an agreement between two or more persons that creates an obligation to do or not to do a particular thing.

**COUNSEL** – a lawyer or a team of lawyers; the term is often used during a trial to refer to lawyers in the case.

**COURT** – an agency of government authorized to resolve legal disputes. Judges sometimes use “court” to refer to themselves in the, third person, as in “the court has read the pleadings.”

**COURT REPORTER** – a person who makes a word-for-word record of what is said in court and produces a transcript of the proceeding if requested to do so.

**COUNTERCLAIM** – a counter-demand made by defendant against the plaintiff. It is not a mere denial of plaintiff’s allegations, but rather asserts an independent cause of action, the purpose of which is to oppose or deduct from plaintiff’s claim.

**COURTROOM DEPUTY or CLERK** – a court employee who assists the judge by keeping track of witnesses, evidence, and other trial matters.

**CROSS-CLAIM** – a pleading which asserts a claim arising out of the same subject matter as the original complaint against a co-party. For example, a co-defendant may file a cross-claim against another co-defendant for contribution for any damages assessed against the cross-claimant.

**CROSS (and RE-CROSS) EXAMINATION** – questions asked by lawyers of witnesses called by their opponents.

**DAMAGES** – money paid by defendants to successful plaintiffs in civil cases to compensate the plaintiffs for their injuries.

**DEFENDANT** – in a civil suit, the person complained against; in a criminal case, the person accused of the crime.

**DIRECT (and RE-DIRECT) EXAMINATION** – questions asked by lawyers of witnesses they have asked to come to court in order to bring out evidence for the fact finder.

**DISCOVERY** – lawyers' examination, before trial, of facts and documents in possession of the opponents, to help the lawyers prepare for trial.

**EVIDENCE** – information in testimony or in documents that is presented to persuade the fact finder (judge or jury) to decide the case for one side or the other.

**GOVERNMENT** – as it is used in federal criminal cases, "government" refers to the lawyers in the U.S. attorney's office who are prosecuting the case.

**HEARSAY** – evidence that is presented by a witness who did not see or hear the incident in question but heard about it from someone else. Hearsay evidence is usually not admissible as evidence in trial.

**INSTRUCTIONS** – the judge's explanation to the jury, before it begins deliberations, of the questions it must answer and the law governing the case.

**JUDGE** – a government official with authority to decide lawsuits brought before courts.

**JURISDICTION** – (1) the legal authority of a court to hear and decide a case; (2) the geographic area over which the court has authority to decide cases.

**LAWSUIT** – an action started by a plaintiff against a defendant based on a complaint that the defendant committed a crime or failed to perform a legal duty.

**LITIGANTS** – see PARTIES.

**MAGISTRATE JUDGE** – in federal court, the U.S. magistrate judge is a judicial officer who assists the district judges in getting cases ready for trial. Magistrate judges also may decide some criminal trials and may decide civil trials when both parties agree to have the case heard by a magistrate judge instead of a district judge. More generally, the term "magistrate"

refers to various public officers, often judicial officers with less authority than federal magistrates judges.

**MOTION** – an application made to a court or judge for an order, ruling, or the like

**OPINION** – a judge’s written explanation of a decision in a case. An **Opinion of the Court** explains the decision of the court or of a majority of the judges. A **Dissenting Opinion** is an explanation by one or more judges of why they believe the decision or opinion of the court is wrong. A **Concurring Opinion** agrees with the decision of the court but offers further comment.

**ORAL ARGUMENT** – in appellate cases, an opportunity for the lawyers for each side to summarize their position for the judges and answer the judges’ questions.

**PANEL** – (1) in appellate cases, a group of three judges assigned to decide the case; (2) in the process of jury selection, the group of potential jurors brought in for voir dire.

**PARTIES** – the plaintiff(s) and defendant(s) to a lawsuit and their lawyers.

**PETIT JURY (or TRIAL JURY)** – a group of citizens who hear the evidence presented by both sides at trial and determine the facts in dispute. Federal criminal juries consist of 12 persons (sometimes with 1 or 2 alternate jurors in case one of the twelve cannot continue). Federal civil juries usually consist of 6 persons, with alternates. “Petit” is French for “small”, thus distinguishing the trial jury from the larger grand jury.

**PLAINTIFF** – the person who files the complaint in a civil lawsuit.

**PLEADINGS** – in a civil case, the written statements of the parties stating their position about the case.

**PRECEDENT** – a court decision in an earlier case with facts similar to a dispute currently before a court.

**PRETRIAL CONFERENCE** – a meeting of the judge and lawyers to decide which matters are in dispute and should be presented to the jury, to review evidence and witnesses to be presented, to set a timetable for the case, and sometimes to discuss settlement of the case.

**PRO SE** – a Latin term meaning “on one’s own behalf”; in courts, it refers to persons who try their own cases without lawyers.

**PROSECUTE** – to charge someone with a crime in a civil violation and seek to gain a criminal conviction or a civil judgment.

**RECORD** – a written account of all the acts and proceedings in a lawsuit.

**REMAND** – when an appellate court sends a case back to a lower court for further proceedings.

**REVERSE** – when an appellate court sets aside the decision of a lower court because of an error. A reversal is often followed by a remand.

**SETTLE** – in legal terminology, when the parties to a lawsuit agree to resolve their

differences among themselves without having a trial.

**SIDEBAR** – a conference between the judge and lawyers held out of the earshot of the jury and spectators.

**STATUTE** – a law passed by a legislature.

**SUMMARY JUDGMENT** – a decision made on the basis of statements and evidence presented for the record without any need for a trial. It is used when there is no dispute as to the facts of the case and one party is entitled to judgment as a matter of law.

**TESTIMONY** – evidence presented orally by witnesses during trials or before grand juries.

**TRANSCRIPT** – a written, word-for-word record of what was said, either in a proceeding such as a trial or during some other conversation, as in a “transcript” of a telephone conversation.

**UPHOLD** – when an appellate court does not reverse a lower court decision.

**U.S. ATTORNEY** – a lawyer appointed by the President, in each judicial district, to prosecute cases for the federal government.

**VERDICT** – a petit jury’s decision.

**VOIR DIRE** – the process by which judges and lawyers select a petit jury from among those eligible to serve. “Voir dire” is a legal phrase meaning “to speak the truth.”

**WITNESS** – a person called upon by either side in a lawsuit



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

**PRIVACY NOTICE**

Please be advised that documents filed in cases pending in the United States District Court for the District of New Jersey are available to the public via the Court's electronic access system PACER (Public Access to Court Electronic Records). PACER is an automated system that, for a fee, allows an individual to view, print and download court docket information over the internet.

The Federal Rules of Civil Procedure require the **filer** of a document to redact the following personal identifiers from the document:

- 1) Social Security Numbers to the last four digits;
- 2) Financial account numbers to the last four digits;
- 3) Names of minor children to the initials;
- 4) Dates of birth to the year; and
- 5) Home addresses to the city and state – **Parties filing pro se must include their complete mailing address for purposes of sending notices, orders, etc.**

**The filer of the document has the sole responsibility for redacting this information from the document. The Clerk will NOT review each filing for redaction.**

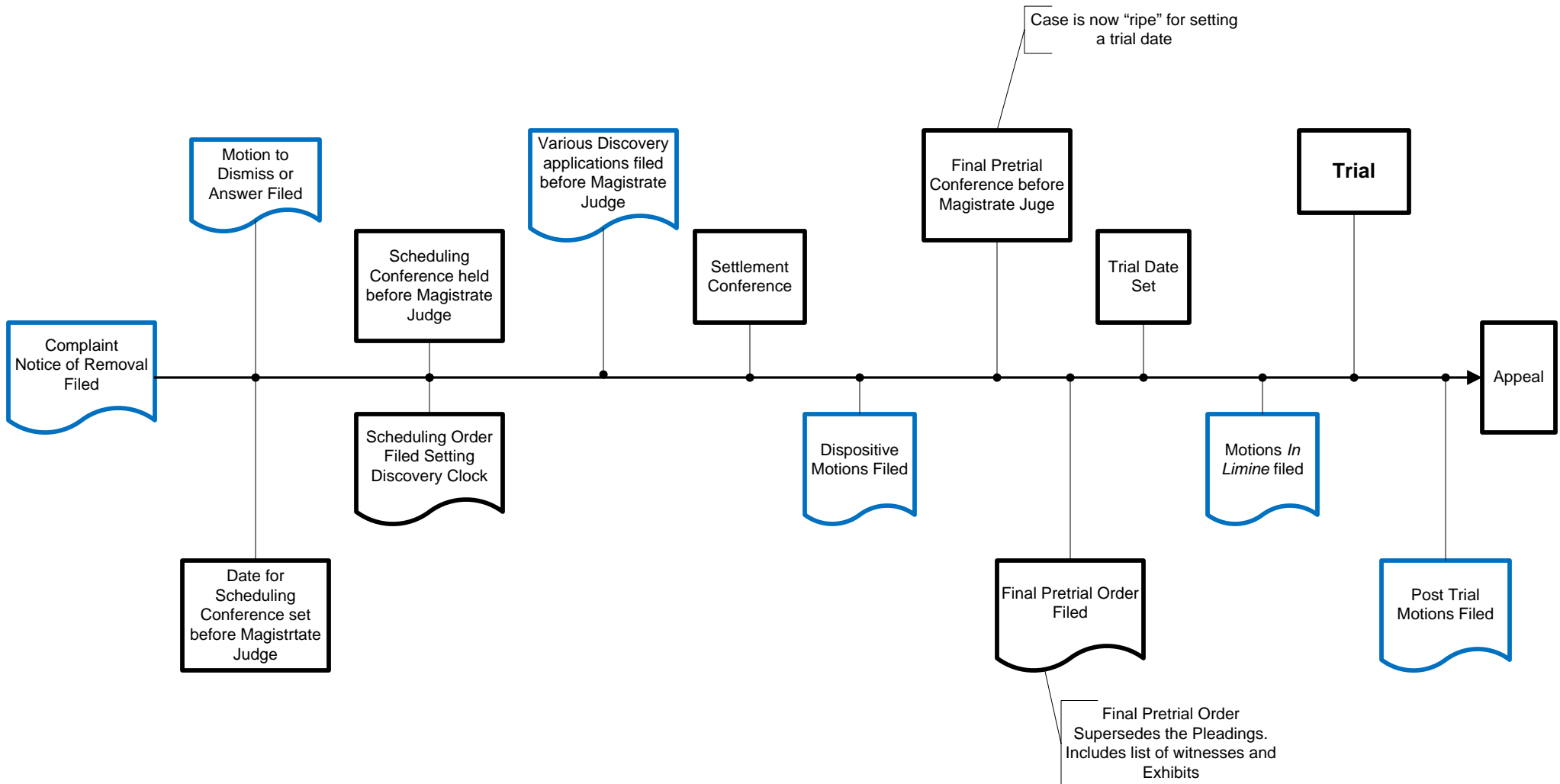
In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. Litigants shall file a Notice of Motion to permit the unredacted documents containing personal identifiers to be filed under seal.

Because filings will be available electronically and may contain information implicating not only privacy but also personal security concerns, the court encourages counsel and pro se litigants to exercise caution when filing a document that contains any of the following information:

- 1) Any personal identifying number, such as a driver's license number;
- 2) Medical records, treatment and diagnosis;
- 3) Employment history;
- 4) Individual financial information;
- 5) Proprietary or trade secret information;
- 6) Information regarding and individuals' cooperation with the government;
- 7) Information regarding the victim or any criminal activity;
- 8) National security information
- 9) Sensitive security information as described in 49 U.S.C. § 114(s).

**It is the responsibility of the filer to be sure that all documents and pleadings comply with the rules of this Court in connection with the redaction of personal identifiers.**

# Civil Case Timeline



# 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.)

## I. (a) PLAINTIFFS

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

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

## DEFENDANTS

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

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

Attorneys (If Known)

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

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 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)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ \_\_\_\_\_

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

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING 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.Cv.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; **NOTE: 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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- 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.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. 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
- VII. 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 actual dollar amount 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.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

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

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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*(In the space above enter the full name(s) of the plaintiff(s).)*

**- against -**

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**COMPLAINT**

Jury Trial:  Yes  No

(check one)

*(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)*

**I. Parties in this complaint:**

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	_____
	Street Address	_____
	County, City	_____
	State & Zip Code	_____
	Telephone Number	_____

B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1                      Name \_\_\_\_\_  
   Street Address \_\_\_\_\_  
   County, City \_\_\_\_\_  
   State & Zip Code \_\_\_\_\_

Defendant No. 2                      Name \_\_\_\_\_  
   Street Address \_\_\_\_\_  
   County, City \_\_\_\_\_  
   State & Zip Code \_\_\_\_\_

Defendant No. 3                      Name \_\_\_\_\_  
   Street Address \_\_\_\_\_  
   County, City \_\_\_\_\_  
   State & Zip Code \_\_\_\_\_

Defendant No. 4                      Name \_\_\_\_\_  
   Street Address \_\_\_\_\_  
   County, City \_\_\_\_\_  
   State & Zip Code \_\_\_\_\_

**II. Basis for Jurisdiction:**

Federal courts are courts of limited jurisdiction. There are four types of cases that can be heard in federal court: 1) Federal Question - Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case; 2) Diversity of Citizenship - Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case; 3) U.S. Government Plaintiff; and 4) U.S. Government Defendant.

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

- |  |  |
|--|--|
| <input type="checkbox"/> Federal Questions         | <input type="checkbox"/> Diversity of Citizenship  |
| <input type="checkbox"/> U.S. Government Plaintiff | <input type="checkbox"/> U.S. Government Defendant |

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship \_\_\_\_\_

Defendant(s) state(s) of citizenship \_\_\_\_\_

**III. Statement of Claim:**

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this 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 you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

C. Facts: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

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**IV. Injuries:**

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. \_\_\_\_\_

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**V. Relief:**

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

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

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature of Plaintiff \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number \_\_\_\_\_

Fax Number (*if you have one*) \_\_\_\_\_

E-mail Address \_\_\_\_\_

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint.

Signature of Plaintiff: \_\_\_\_\_

**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)**

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

- 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 (Rev. 01/15) 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):	\$	\$	\$	\$
<b>Total monthly income:</b>	\$	\$	\$	\$

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.

<b>Assets owned by you or your spouse</b>	
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 (Rev. 01/15) 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> ):	\$	\$
<b>Total monthly expenses:</b>	\$	\$

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 NEW JERSEY

**Pro se (Non Prisoner)**

**Consent & Registration Form to Receive Documents Electronically**

Pursuant to Fed. R. Civ. P. 5(b), and Fed. R. Civ. P. 77(d), Local Civil Rule 5.2 and the Court's Electronic Case Filing Policies and Procedures, documents may be served through the court's transmission facilities by electronic means. Documents that are not permitted to be served electronically are pleadings that are to be served with process under Fed.R.Civ.P. 4.

I \_\_\_\_\_ hereby consent to receive service of documents and notice of electronic filings via the Court's electronic filing system to the extent and in the manner authorized by the above rules and waiving the right to receive notice by first class mail pursuant to Fed.R.Civ.P. 5(b)(2)(D) and Fed.R.Civ.P. 77(d).

Pursuant to Local Civil Rule 10.1, I will promptly notify the Court if there is a change in my personal data, such as name, address, and/or e-mail address. I will promptly notify the Court to request cancellation of electronic service.

Litigants who have consented to receive documents electronically will be sent a **Notice of Electronic Filing** via e-mail. Upon receipt of the notice, they are permitted **one "free look"** at the document by clicking on the hyperlinked document number. The one "free look" will expire 15 days from the date the notice was sent. After the "free look" is used or expires, the document can only be accessed through PACER (**P**ublic **A**ccess to **C**ourt **E**lectronic **R**ecords.) It is recommended that litigants establish a PACER account. This can be accomplished by visiting the PACER web site at <http://pacer.psc.uscourts.gov>. PACER is an automated system that allows an individual to view, print, and download documents for a fee.

My e-mail address is: \_\_\_\_\_

My case number is: \_\_\_\_\_

\_\_\_\_\_  
Signature of Litigant

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

Date: \_\_\_\_\_

### Helpful Hints:

- ~ All original papers submitted for consideration to the Court are to be filed with the **Clerk of this Court**. Copies of papers filed in this Court are to be served upon counsel for all other parties (or directly on any party acting pro se). Proof that service has been made is provided by a certificate of service. This certificate should be filed in the case along with the original papers and should show the day and manner of service.

Example:        “I, (name), do hereby certify that a true and correct copy of the foregoing (name of pleading or other paper) has been served upon (name(s) of person(s) served) by placing the same in the U.S. Mail, properly addressed this (date) day of (month), (year).”

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(Signature)

- ~ Any request for court action shall be set forth in a motion, properly filed and served. (Please see the Motion Guide included in this packet.)
- ~ No direct communication is to take place with the District Judge or United States Magistrate Judge with regard to this case. **All relevant information and papers are to be directed to the Clerk.**
- ~ The parties should notify the Clerk’s office when there is an address change. Failure to do so could result in court orders or other information not being timely delivered, which could affect the parties’ legal rights.



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
OFFICE OF THE CLERK  
MARTIN LUTHER KING JR. FEDERAL BUILDING AND U.S. COURTHOUSE  
50 WALNUT STREET  
NEWARK, NEW JERSEY 07101

CAMDEN OFFICE  
MITCHELL H. COHEN  
U.S. COURTHOUSE  
1 JOHN F. GERRY PLAZA  
CAMDEN, NJ 08101

WILLIAM T. WALSH  
Clerk

TRENTON OFFICE  
CLARKSON S. FISHER  
U.S. COURTHOUSE  
402 EAST STATE STREET  
ROOM 2020  
TRENTON, NJ 08608

REPLY TO:

### MOTION GUIDE

(Please note, these instructions are being provided as a guide only and you should consult the Federal Rules of Civil Procedure, as well as the Local Rules for the District of New Jersey prior to filing a Notice of Motion.)

**\*\*\*\*\*Any request for court action shall be set forth in a motion, properly filed and served\*\*\*\*\***

In order to have any motion listed before the Court, it must comply with Local Civil Rules 7.1, 37.1, and/or 78.1 of this Court:

(1) At the time of filing your motion with the Court, you must also serve your motion papers on the opposing parties by serving their counsel, if so represented. You must file a certification indicating the method of service.

(2) Each Notice of Motion must have a motion date and must be filed at least 24 days prior to the motion date. **(Motion days are the first and third Monday of each month and can be found on our website at - [www.njd.uscourts.gov](http://www.njd.uscourts.gov).)**

(3) A Brief must be submitted in support of each motion, **or a Statement that a Brief is not necessary and the reason therefore.** (Briefs are submitted as separate documents, and should not have affidavits, certifications, or exhibits attached.)

THE LOCAL RULES MAY BE ACCESSED AT NO CHARGE ON THE COURT'S WEBSITE  
- [www.njd.uscourts.gov](http://www.njd.uscourts.gov)



CERTIFICATION OF SERVICE

I, \_\_\_\_\_, certify that a copy of my motion was served  
(Name of Moving Party)

by \_\_\_\_\_ on \_\_\_\_\_ upon:  
(Mail, Personal Service, etc.) (Date)

\_\_\_\_\_  
(Name of Opposing Party)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Address of Opposing Party)

\_\_\_\_\_  
Name (Signature)

## APPENDIX K. SCHEDULE OF FEES

### UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

Office of the Clerk

#### Schedule of Fees

The **Clerk of the District Court** is required to collect the following fees:

Commencing any civil action or proceeding other than an application for writ of <i>habeas corpus</i>	
Filing fee - \$350 plus \$50 Administrative Fee (inapplicable to IFP)	\$ 400.00
Application for a writ of <i>habeas corpus</i>	5.00
Filing a Notice of Appeal in any case	
Fee includes \$5 district court fee (28 U.S.C. § 1917)	505.00
Filing a Notice of Appeal to District Judge from a Judgment of Conviction by a Magistrate Judge in a Misdemeanor Case	38.00
Certificate of Search, per name or item	31.00
Certification of any document	11.00
Exemplification of any document	22.00
Filing miscellaneous paper (any document not related to a pending case or proceeding)	47.00
Registration of foreign judgment	46.00
Admission of Attorney to Practice (including certificate)	200.00
Duplicate Attorney Certificate of Admission	20.00
Certificate of Good Standing to Practice	19.00
Admission to Appear <i>Pro Hac Vice</i> (each case)	150.00
Paper copies made by Clerk (not including certification), per page	.50
Reproduction of audio recording of a court proceeding	31.00
Retrieval of first box of records from Federal Records Center or National Archives	64.00
Retrieval of additional boxes from Federal Records Center or National Archives, per box	39.00
Any payment into the Court which is returned or denied for insufficient funds	53.00
Processing fee for a petty offense charged on a federal violation	25.00
Commencing a civil action under Title III of Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (This fee is in addition to the fee for commencing a civil action.)	6,548.00

#### **CHECKS AND MONEY ORDERS SHOULD BE MADE PAYABLE TO: CLERK, UNITED STATES DISTRICT COURT**

May 1, 1987

Amended effective December 18, 1996; April 1, 1997; January 1, 1998; February 1, 2001; July 1, 2001;  
October 1, 2002; November 1, 2003; June 1, 2004; February 7, 2005; March 22, 2005; April 9, 2006;  
November 1, 2011; June 1, 2012; May 1, 2013; December 1, 2013, December 1, 2014, December 1,  
2016