

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF OKLAHOMA



MANUAL FOR PRO SE LITIGANTS

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Introduction

Parties or litigants who are not represented by a licensed attorney and are representing themselves, are referred to as *pro se* parties, *pro se* litigants, or appearing *pro se*. Some people appear *pro se* by choice, and others do so because they either cannot afford an attorney or cannot find one willing to represent them.

This manual was written as a procedural guide for *pro se* litigants. It does not cover all circumstances and **CANNOT** take the place of an attorney's legal advice. It is by no means comprehensive and should only be viewed as an aid to assist you in understanding the basic terms and procedures in the court. **You are advised that even though you are proceeding *pro se* you are still responsible for complying with the Federal Rules of Civil Procedure, The Local Civil Rules for the Eastern District of Oklahoma and the orders of the Court.**

*** The Local Civil Rules are available at <http://www.oked.uscourts.gov/>. (Court Info)

Federal Rules of Civil Procedure are available at <http://www.uscourts.gov/>. (Rules and Policies)

Information about the Court

The U.S. District Court for the Eastern District of Oklahoma, located in Muskogee, Oklahoma, is a general trial court that is part of the federal judicial system comprising of 94 judicial districts. The court has two District Judges and two Magistrate Judges and is comprised of the following 26 counties:

**Adair, Atoka, Bryan, Carter, Cherokee, Choctaw, Coal, Haskell, Hughes, Johnston, Latimer,
LeFlore, Love, Marshall, McCurtain, McIntosh, Murray, Muskogee, Okfuskee, Okmulgee, Pittsburg,
Pontotoc, Pushmataha, Seminole, Sequoyah, Wagoner**

The Clerk of Court for the Eastern District of Oklahoma oversees the operations of the Clerk's Office and serves the court. The Clerk is committed to quality service to all patrons of the court and strives to provide

easily accessible court information and services whenever possible. The Clerk's Office is open Monday through Friday, 8:00 a.m. to 4:30 p.m. The office is closed on all federal holidays.

Jurisdiction of This Court

Federal courts can only hear certain types of cases. Like all other federal trial courts, this court only has jurisdiction to hear cases that fall into the following categories:

1. Those that deal with a question involving the United States Constitution;
2. Those that involve questions of federal law;
3. Those that involve the United States of America as a party (plaintiff or defendant);
4. Those that involve a dispute among residents of different states with an amount in controversy over \$75,000.

Terms Used in Federal Court

ANSWER: Papers filed by the defendant in response to the complaint. This represents the defendant's side of what happened. It is not necessary for the plaintiff to respond to the defendant's answer unless the defendant files a counterclaim or cross-claim.

CERTIFICATE OF SERVICE: A document stating the date on which an exact copy of the filed document was mailed to a party or counsel. This document must be signed by the person mailing the paper and is attached to the last page of the document.

COMPLAINT: Legal document that initiates a civil action. It states the facts, identifies the plaintiff(s) and defendant(s), and the action the court is asked to take.

COUNTERCLAIM: Claim made by the defendant against the plaintiff.

CROSS-CLAIM: Claim made between co-defendants or co-plaintiffs.

DEFENDANT: The individual(s) and/or corporation/company being sued.

DISCOVERY: This term refers to the information relevant to the case which is exchanged between the parties.

FILE: To file a paper or other document is to place it in the official custody of the clerk, in person or by any delivery service. The date a document is filed is the date it is stamped "FILED" by the clerk.

FILE MARK: It is the file-stamp the clerk places on documents that are to be placed in the official case record to indicate the court and the date of the filing.

MOTION: An application or request made to a court or judge for the purpose of obtaining a ruling or Order directing some act to be done in favor of the applicant, or movant. A motion can be made by the plaintiff or the defendant. The court may either hold a hearing on the motion, requiring the parties to appear, OR the judge may

decide the motion looking only at the papers. If the motion is **GRANTED** the requested relief is given to the one making the motion. If the motion is **DENIED** the requested relief is not given to the one making the motion.

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

PARTIES: Plaintiff and defendant are parties to the lawsuit. They are called opposing parties or adversaries because they are making claims against each other. Parties are sometimes referred to as LITIGANTS and the proceedings in court, LITIGATION.

PERSONAL SERVICE: Personal service is made by physically handing the summons and complaint to the individual defendant or his authorized representative, and the filing of an affidavit with the court showing how and when personal service was made. Personal service must be made by a non-party who is at least 18 years of age. Service of the summons and complaint may also be obtained by certified mail, return receipt requested, and the filing of an affidavit with the court showing when service was obtained and attaching the return receipt.

PLAINTIFF: The person who is filing the complaint against someone or a company or an agency.

PRO SE: Means you are participating in a lawsuit on your own and will represent yourself in court. If you cannot afford an attorney or prefer to represent yourself, you may file a complaint or answer pro se.

RESPONSE TO MOTION: Within 14 days from the date copies of a motion and supporting papers have been served upon them, any party opposing a motion shall serve and file with the clerk a concise statement in opposition to the motion with supporting authorities, which is called a Response. The failure to timely respond to any non-dispositive motion may be adequate basis for granting the relief sought in the motion.

SUMMONS: This is a formal command of the court, directed to the defendant, which lets the defendant know that an action has been filed and an answer is expected. Rule 12 of the Federal Rules of Civil Procedure provides that the defendant shall file an answer within 21 days after being served with the summons and complaint, or if the defendant is the United States, an agency of the United States, or an officer or employee of the United States, 60 days. The summons and complaint must be served on the defendants within 90 days from the date of the filing of the complaint (**Fed. R. Civ. P. 4(m)**).

TIME EXTENSIONS: Any party can make a request that they be given extra time to file papers, respond to a motion, or answer a complaint by filing a motion. Reasons for the time extension should be included in the motion. The fact that an extension is requested is no assurance that one will be granted.

TRIAL: A trial can be held before the judge with or without a jury. You may also consent to proceed before a United States Magistrate Judge with or without a jury. **IF YOU WANT A JURY YOU MUST REQUEST A JURY TRIAL IN YOUR COMPLAINT OR ANSWER.** If a jury trial has not been demanded or the case is not triable by jury, the judge will try the case and make the final decision (**Fed. R. Civ. P. 38**).

Clerk's Role

The Clerk's Office is open during regular business hours to accept documents and fees; however, the Clerk's Office can only provide limited information.

The Clerk's Office **can**:

- Explain and answer questions about court procedures.
- Give you general information regarding court rules and practices.
- Provide you with information regarding your case.
- Provide you with available court forms and instructions.

The Clerk's Office **cannot**:

- Provide legal advice such as interpreting the law, etc.
- Talk to the judge on your behalf or allow you to talk to the judge outside of court.
- Compute deadlines in your case.
- Conduct legal research or any other research.
- Explain the result of taking or not taking an action in a case.
- Provide free copies of filed or unfiled documents received by the Clerk.
- Provide advice on the best procedure to accomplish a particular objective.

Filing a Case in Federal Court

Rules to Follow

The pro se litigant is responsible for following the *Federal Rules of Civil Procedure* and the United States District Court's *Local Civil Rules*. The ***Federal Rules of Civil Procedure* (Fed. R. Civ. P.)** are available at the clerk's office and can be found on the United States Courts' website www.uscourts.gov under the Rules and Policies link. The ***Local Civil Rules* (LCvR)** for the United States District Court for the Eastern District of Oklahoma are also available in the clerk's office and can be found on the Eastern District of Oklahoma's website www.oked.uscourts.gov. References to the **Fed. R. Civ. P.** and the **LCvR** are found throughout the pro se manual for your convenience.

Opening a Case

How to File Your Case

For your complaint to be considered by the district court, it must be typewritten or legibly handwritten. The complaint must contain a caption setting forth the name of the Court and the names of all parties. Each claim shall be made in numbered paragraphs, the contents of each claim shall be limited as far as practicable to a statement of a single set of circumstances. If there is more than one defendant, you should clearly indicate which act alleged is attributable to each defendant. Citation of legal authority or argument is not necessary. You may attach an exhibit(s) to a pleading. (See **Fed.R.Civ.P. 10**)

Your complaint must be accompanied by a completed civil cover sheet (Form JS-44), which is available from the Court Clerk's office, or from the Court's website at www.oked.uscourts.gov. (LCvR 3.1)

Parties shall refrain from including, or shall partially redact where inclusion is necessary, personal identifiers from all pleadings filed with the court. (See LCvR 5.3)

Your complaint must be signed and must include your current address and telephone number. By signing a pleading, written motion, or other paper, you are certifying to the Court that do the best of your knowledge, information and belief, all claims are not being presented for an improper purpose and are warranted by a nonfrivolous argument. (See Fed.R.Civ.P. 11)

Once your complaint is completed, you may deliver or mail it with the necessary service documents, filing fee or Motion for Leave to Proceed *In Forma Pauperis* & Supporting Affidavit to the following address:

For Delivery:

CLERK OF THE COURT
UNITED STATES DISTRICT COURT
101 North 5th Street
Muskogee, OK 74401

For Mailing:

CLERK OF THE COURT
UNITED STATES DISTRICT COURT
PO Box 607
Muskogee, OK 74402

Filing Fee

The complaint must be accompanied by a filing fee of \$402.00 made payable to the **U.S. District Court Clerk**. Payment may be made in cash, money order, or cashier's check. No personal checks will be accepted. If you cannot afford to pay the filing fee and desire to proceed *in forma pauperis*, you must complete a Motion for Leave to Proceed *In Forma Pauperis* & Supporting Affidavit. If the judge grants your application and allows you to proceed without paying the filing fee, you may proceed with your case. If the judge denies your application and does not allow you to proceed without paying the filing fee, you must pay the filing fee.

Judge Assignment

The clerk will randomly assign a district judge to your case.

The district judge may refer your case to the magistrate judge to handle different matters in your case.

Service of Summons and Complaint

Service

You are required to notify the defendant(s) that you have filed a case against them in federal court. To serve a defendant, you must have the clerk sign, seal and issue your summons(es). You must serve the defendant a copy of the complaint and the issued summons.

According to Rule 4(m) of the **Fed. R. Civ. P.**, you have 90 days from the date you filed the complaint to serve the defendants.

Service of Process

There are several service of process options available if you pay the \$402.00 filing fee.

- You can hire a private process server.
- You can have someone personally deliver the summons.
 - According to Rule 4(c) of the **Fed. R. Civ. P.**, a summons can be served by anyone who is not a “party” and is at least 18 years of age.
- You can send the summons to the defendant(s) by certified mail, return receipt.

If you filed an application to proceed without prepayment of fees and the judge allows you to proceed without paying the \$402.00 filing fee, the court will serve the complaint and summons(es) upon the defendants on your behalf.

After the Case is Opened

Proof of Service

Once you have received a return of service from a private process server, a non-party who is at least 18 years of age, or the return receipt from delivery of certified mail, you must file a “proof of service” with the clerk’s office. The proof of service is a statement, made under oath, explaining when and how service was made.

Upon receipt of the proof of service, the clerk will enter the service date on the record, which begins the time the defendant(s) will have to file an answer.

Answer

After a complaint has been served, the defendant has 21 days to file an answer. The U.S. Government has 60 days to file an answer after it has been served. If the defendant files an answer within the required time period, the case continues to the pretrial stage (**Fed. R. Civ. P. 12**).

If the defendant fails to file an answer or appear to contest the case within the required time, he/she is in default. The clerk or the judge may enter a default judgment in favor of the plaintiff and against the defendant (**Fed. R. Civ. P. 55**).

Pro Se Defendant

If you are served with a summons and complaint, and you are unable to pay for an attorney to respond on your behalf, then you may file your answer as a pro se defendant. You must file your answer with the court within twenty-one (21) days after being served (**Fed. R. Civ. P. 12**). If you do not file your answer within the required time, a default judgment may be entered against you (**Fed. R. Civ. P. 55**).

Pretrial Stage

The case moves into the pretrial stage after all defendants have entered their appearance by filing an answer or a motion.

The judge will enter an order setting a scheduling conference to be held in the courthouse or by a telephone conference call (**Fed. R. Civ. P. 16**).

The parties, plaintiffs and defendants, are required to meet to prepare a Joint Status Report for the court. Joint Status Report forms are available in the Court Clerk's office, or from the Court's website at www.oked.uscourts.gov. The Court will ordinarily order the filing of a Joint Status Report by a certain date. For purposes of preparing a Joint Status Report, counsel and *pro se* parties shall confer at least 14 days prior to the date the Report is to be filed. (**LCvR 16.1 (a)(1)**)

At the scheduling conference, the judge will review the report with the parties and/or their attorneys and will prepare and file a scheduling order. The scheduling order will set deadlines for the case, such as discovery deadlines, filing motions, settlement conferences, and the trial date.

Discovery

During the discovery process, both parties exchange information about the case. The court does not accept filings that have to do with discovery. Depositions, interrogatories, requests for documents and requests for admission and responses thereto shall be served upon other counsel or *pro se* parties, but shall not be filed with the clerk, unless on order of the Court or unless they are attached to a motion, response to motion, or are needed for use in a trial or hearing. (**LCvR 26.1**)

Settlement Conference

All civil cases set on a trial docket are automatically set for settlement conference before the settlement judge. The purpose of the settlement conference is to permit an informal discussion between the attorneys, parties, and the settlement judge regarding the settlement value of the case in an effort to resolve the matter before trial. (**LCvR 16.2**)

Dispositive Motions

Dispositive motions are motions that ask the court to decide claims or the case without a complete trial. Dispositive motions are used when there are no factual disputes between the parties and the court can decide a case or claim as a matter of law. Two common types of dispositive motions are motions to dismiss (**Fed. R. Civ. P. 12 (b)**), and motions for summary judgment (**Fed. R. Civ. P. 56**).

Final Pretrial Conference

The final pretrial conference is scheduled during the scheduling conference. The final pretrial conference occurs after discovery is completed, approximately a few weeks before trial. You will work with the opposing counsel in preparing a proposed pretrial order to be submitted to the judge.

Trial

There are two types of trials, a bench trial and a jury trial. During a bench trial, you will present your evidence in front of a judge, and he will consider all the evidence and make a ruling. During a jury trial, you will present your evidence to jurors who will deliberate and decide which party prevails in the case.

Judgment

A Memorandum Opinion and Order, and/or Judgment may also be entered based on court filed documents, such as Orders on Motions for Summary Judgment or Motions to Dismiss.

An Opinion and Order, and/or Judgment will be entered after a jury returns a general verdict or the court terminates all case claims based on the testimony given before the court.

This Final Judgment is appealable to the Tenth Circuit Court of Appeals.

Notice of Appeal

You may appeal a final decision of this court to the United States Court of Appeals for the Tenth Circuit in Denver, Colorado. To file an appeal, a Notice of Appeal must be filed with the Clerk of this court. The Notice of Appeal should be legibly handwritten or typed and filed within thirty (30) days after the judgment or order being appealed is entered. When the United States or its officer or agency is a party, the notice of appeal may be filed by any party within sixty (60) days after the judgment or order being appealed is entered.

The filing fee for an appeal is \$505.00. The filing fee or a Motion for Leave to Proceed *In Forma Pauperis* must also be submitted to the Clerk of this court.

Like the district court, litigation in the appeals court is a complex process. It remains the responsibility of the *pro se* litigant to follow the *Federal Rules of Appellate Procedure* and the local rules of the circuit court.

Information about the Tenth Circuit of Court of Appeals can be found at www.ca10.uscourts.gov.

Resources for Legal Representation

If you can afford to hire an attorney but cannot locate one, many local bar associations have referral services. Some of these services offer consultations with attorneys at reduced rates. There are also organizations which may offer legal assistance at no cost, or *pro bono*. Most of these organizations have eligibility requirements based on income and may only provide assistance with certain types of cases. **Court staff cannot recommend individual attorneys.** Below is a listing of some of the legal resources in Oklahoma.

Resource	Contact Information
Legal Aid Services of Oklahoma, Inc.	1-888-534-5243
American Civil Liberties Union	405-524-8511
Neighbor for Neighbor Legal Clinic	918-425-5595
Trinity Legal Services	405-410-4544
TU Law Legal Clinic	918-631-5799
Oklahoma Indian Legal Services, Inc.	1-800-658-1497
Oklahoma Disability Law Center, Inc.	1-888-456-2006

Informational resources may also be found at www.okbar.org/legalresources/

Attachments

1. Pro Se Complaint for a Civil Case
2. Civil Cover Sheet (Form JS-44)
3. Motion for Leave to Proceed *In Forma Pauperis* & Supporting Affidavit
4. Summons Form
5. Privacy Notice of Electronic Availability of Case File Information

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____ Division

) Case No. _____

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

Plaintiff(s)

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

-v-

) Jury Trial: (check one) ☐ Yes ☐ No

Defendant(s)

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

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

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

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

B. The Defendant(s)

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

Defendant No. 1

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

II. Basis for Jurisdiction

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

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

- ☐ Federal question ☐ Diversity of citizenship

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

A. If the Basis for Jurisdiction Is a Federal Question

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

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

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

b. If the plaintiff is a corporation

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

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

2. The Defendant(s)

a. If the defendant is an individual

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

b. If the defendant is a corporation

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

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

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

3. The Amount in Controversy

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

III. Statement of Claim

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

IV. Relief

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

V. Certification and Closing

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

A. For Parties Without an Attorney

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

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

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	PERSONAL INJURY <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	PERSONAL INJURY <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 LABOR <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 PRISONER PETITIONS Habeas Corpus: <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 Other: <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	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <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 IMMIGRATION <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 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <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)) FEDERAL TAX SUITS <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 (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <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 Constitutionality of State Statutes

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.
- 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
FOR THE EASTERN DISTRICT OF OKLAHOMA

_____, Plaintiff, v. _____ Defendant(s).	Case No. _____ (supplied by the Clerk) MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS & SUPPORTING AFFIDAVIT
--	---

I hereby move for leave to: (please check)

- ☐ Commence this action without prepayment of fees and costs or giving security therefor.

In support of my motion, I, _____, the above-named Plaintiff, duly sworn upon oath, state that the following facts are true:

I MARITAL STATUS:

a. Single ☐ Married ☐ Separated ☐ Divorced ☐

b. Dependents: Spouse ☐ Children: No. _____

Others: No. _____ Relationships _____

II RESIDENCE:

Address: _____

City: _____ State: _____ Phone: _____

III EMPLOYMENT:

A. Self Employment

1. Name and Address of Employer: _____

2. Employer Phone: _____
3. How long employed by present employer? _____
4. My job is _____
5. Income: Monthly Gross Pay or Wages \$ _____
 Monthly Net/Take Home Wages \$ _____

B. Spouse Employment:

1. Name and Address of Spouse's Employer: _____

2. Spouse's Employer Phone: _____
3. How long has your spouse been employed by present employer? _____
4. Spouse's job is _____
5. Income: Spouse's Monthly Gross Pay or Wages \$ _____
 Spouse's Monthly Net/Take Home Wages \$ _____

IV FINANCIAL STATUS:

A. Owner of real property: Yes ☐ No ☐

1. Description: _____

2. Address: _____
3. In whose name: _____
4. Estimated value: \$ _____
5. Total amount owed: \$ _____
6. Annual income from property: \$ _____
7. Owed to: _____

B. Other Property:

1. Automobile: Make _____ Model _____
 In whose name registered _____
 Present value of car: \$ _____
 Amount owed: \$ _____

Owed to: _____
2. Cash in banks, savings & loan associations \$ _____

C. Obligations:

1. Monthly rental on house or apartment	\$ _____
2. Mortgage payments on house (monthly)	\$ _____
3. Other debts: To Whom Owed	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total monthly payments on debts:	\$ _____

D. Other information pertinent to financial status: (Include stocks, bonds, savings bonds, interest in trusts either owned or jointly owned).

Date: _____

Signed: _____

This affidavit must be signed before a notary public.

Subscribed and sworn to before me by _____

this _____ Day of _____, 2____.

Notary public: _____

Commission expiration date

_____.

(Seal)

UNITED STATES DISTRICT COURT
for the

<i>Plaintiff(s)</i>)	
)	
)	
)	
v.)	
)	Civil Action No.
)	
)	
)	
<i>Defendant(s)</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 \$ 0.00 .

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:

Privacy Notice of Electronic Availability of Case File Information

The following privacy policies relate to civil and criminal case file information in the United States District Court for the Eastern District of Oklahoma. (**Fed. R. Civ. P. 5.2**)

- **Documents in civil and criminal cases are available electronically as they are available at the courthouse, with the following exceptions:**
 - Documents sealed or otherwise restricted by court order or policy of the Judicial Conference of the United States; and
 - Documents in Social Security cases will be excluded from electronic access.
- **SENSITIVE INFORMATION SHOULD NOT BE INCLUDED IN ANY DOCUMENT SUBMITTED TO THE COURT.** If sensitive information *must* be included, the following personal data identifiers must be partially redacted from the pleading, including exhibits, unless otherwise ordered by the court.
 - **Social Security numbers** to the last four digits; ○ **Names of minor children** to the initials ○ **Dates of birth** to the year ○ **Financial account numbers** to the last four digits; and ○ **Home addresses** to the city and state (criminal cases only)
- In compliance with the E-Government Act of 2002, a party filing a document containing the personal data identifiers specified above may:
 - File an unredacted version of the document under seal to be held in the clerk's office as part of the record.
 - File a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. It shall be retained by the court as part of the record.
- The court may require the party to file a redacted copy for the public file.
- Parties should exercise caution when filing documents that contain information implicating not only privacy but also personal security concerns such as:
 - A personal identifying number, such as a driver's license number
 - Medical records, treatment and diagnosis
 - Employment history
 - Individual financial information
 - Proprietary or trade secret information
 - Information regarding an individual's cooperation with the government
 - Information regarding the victim of any criminal activity
 - National security information; and
 - Sensitive security information as described in 49 U.S.C. §114(s).

THE RESPONSIBILITY FOR REDACTING THESE PERSONAL IDENTIFIERS RESTS SOLELY WITH THE PARTIES. THE CLERK WILL NOT REVIEW EACH PLEADING FOR COMPLIANCE WITH THIS RULE.

The clerk's office has provided me with a copy of the Judicial Conference's Privacy Policy as outlined in the Notice of Electronic Availability of Case File Information.

Signature

Printed Name

Date

Case Number (if available)

**PLEASE INCLUDE THIS COMPLETED FORM WITH YOUR COMPLAINT OR
ANSWER**