

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

**Guide to Filing Complaints
Without a Lawyer in Federal District Court**
(for claims not related to imprisonment)

Contents

1. Introduction.....	2
2. Jurisdiction – Does a federal court have the power to hear your case?	2
3. Contents of Your Complaint.....	3
4. What to put in your complaint:	3
5. What NOT to put in your complaint	4
6. Filing Your Complaint	5
7. Helpful Definitions.....	9

1. Introduction

Welcome to the federal district courts.

This guide is intended to help you write and file a complaint. Follow these steps and your litigation should run more smoothly. At the end of this guide, you will find two additional helpful resources:

1. Sample claims which may help you write your own claim.
2. Definitions of several court-related terms.

2. Jurisdiction – Does a federal court have the power to hear your case?

Before you begin, consider whether your case belongs in federal court.

There are two general kinds of courts — state courts and federal courts. State courts are established by the states and federal courts are established under the U.S. Constitution and laws passed by Congress. The difference between the two types of courts is mainly in their “jurisdiction” — meaning their power to hear certain types of cases.

- State courts have broad jurisdiction, so the cases individual citizens are most likely to be involved in—such as robberies, traffic violations, broken contracts, and family disputes—are usually tried in state courts.

- Federal courts, on the other hand, have limited jurisdiction — they can only hear cases that the Constitution or Congress give them authority to hear. For most pro se plaintiffs, this means that to bring a complaint in federal court you must claim one of the following types of jurisdiction:

- Federal Question Jurisdiction – meaning the case involves a violation of the U.S. Constitution or a violation of a federal (not state) law; or
- Diversity Jurisdiction – meaning no plaintiff is a citizen of the same state as any defendant, and the amount in controversy is more than \$75,000.

- Federal district courts **do not** review the decisions of state courts. Do not sue in a federal district court just because you are unhappy with the ruling of a state court.

3. Contents of Your Complaint

You, as the plaintiff, start a case in federal court by filing a complaint. The complaint is an important legal document. If you write it correctly, it will be short and tell the court and defendants how your rights were violated.

4. What to put in your complaint:

Your complaint needs five things. The sample complaint forms on the Court's website and available in the Court's law library attempt to include all these items – all you need to do is fill in the blanks. *But please remember two things: (1) you must follow the Federal Rules of Civil Procedure and the Court's Local Rules, available on the Court's website; and (2) the forms on the Court's website may not cover every type of case you could file, and you should not consider them to be legal advice. You are advised that the best avenue is to consult a lawyer if you are able.*

- A. **Caption and parties.** Your complaint must begin with a "caption." The caption must include your name as the plaintiff and the names of the people you are suing (the defendants). (If the defendants harmed you while doing their jobs, tell the Court the name and address of the employers, if known to you.) Also, name the federal court in which you will be filing your complaint. Do not fill in the case number. This will be done by the Deputy Clerk when you file your complaint. From then on, you should put the case number on papers that you file with the Court. This helps the Court keep all the papers in each case together.
- B. **Jury Demand.** If you want to have your case decided by a jury, check "Yes" in the box provided. If you want the judge to decide it, check the other box.
- C. **Why your case belongs in federal court ("Jurisdiction").** State why a federal court can decide your case. There are two main possibilities.
 - (1) If your case involves a violation of the Constitution or a federal law, a federal court can decide your case, and you should check the first box on the form. This box refers to a federal statute, 28 U.S.C. § 1331, the law that gives federal courts the power to decide cases involving the violation of federal law.
 - (2) If your case involves only a violation of state law, you might be able to check the second box. Generally, in order to check the second box, all the defendants must be citizens of a state other than the one of which you (and any other plaintiffs) are a citizen. In addition, more than \$75,000 must be in dispute.

D. **Statement of Claim.** The most important part of your complaint is the “statement of your claim.” Describe *briefly* the exact problem that you are complaining about. You should explain five things:

- (1) **Who** violated your rights. Tell the name of each person who injured you.
- (2) **What** each defendant did. Tell what action each defendant took or failed to take that harmed you.
- (3) **When** they did it. Tell when each defendant harmed you.
- (4) **Where they did it.** Tell where each defendant harmed you.
- (5) **Why they did it.** If you know, tell the Court why each defendant harmed you.

Explain the “who,” “what,” “when,” “where,” and “why” clearly and simply. Tell the story as if you are telling it to someone who knows nothing about what happened to you, but put only the important facts in your statement of the claim.

A short and plain statement helps the judge to review your complaint quickly and move onto the next step of your case. A long complaint will take a judge longer to review and understand, and the judge may tell you to rewrite it. This will delay your case.

You may find it helpful to look at the examples of statements of a claim. Do not copy these examples or assume that the plaintiffs in these examples would win their cases. The examples show you how to write your claim, not what to say in your claim.

You may type or handwrite your complaint, so long as it’s readable.

If you cannot finish your statement on the complaint form, you may continue your statement of the claim on another sheet of paper.

E. **Relief Wanted.** Your complaint should include a request for relief—what you want from each defendant, such as money or some particular action.

5. What NOT to put in your complaint

DO NOT attach a lot of papers or long statements from witnesses. **If you want the judge to know about a fact, just write the fact in your complaint. The complaint is not the place for *proving* facts or submitting evidence. When the judge needs proof, you will have a chance to submit it later.**

DO NOT include in your complaint lengthy quotations from statutes, laws, regulations, or cases. If you want, you may simply list the statute, law, or regulation that you believe

the defendants violated. Later in the case, the defendants or the judge may ask you to explain in more detail why you think that the defendants have violated a law. You will then have an opportunity to quote from statutes, laws, regulations, or cases.

DO NOT include in your complaint unrelated claims against different defendants. You may bring the same claim against more than one defendant only if all of the named defendants played some part in the *same* situation that resulted in the alleged violation of your rights.

Note to employment-discrimination plaintiffs:

Before you file a lawsuit for employment discrimination, you are generally required to ask the Equal Employment Opportunity Commission (or equivalent state agency) to address your claims. This is called “exhaustion of administrative remedies.” If you do not do this, the defendants may ask the Court to dismiss your case and the Court may do so.

6. Filing Your Complaint

To file your complaint, you must pay a filing fee. You should call the Clerk’s Office to find out the current fee. (The phone numbers and addresses for the Clerks’ Offices are listed below.) Send a check or money order in this amount, payable to “The Clerk of the U.S. District Court.”

If you cannot afford the fee, you may ask the Court for permission to file without prepaying the full fee. Use the form “Request to Proceed in District Court without Prepaying the Filing Fee” found on the Court’s website.

BE SURE to keep for yourself an exact copy of your complaint and any other document you send to or file with the Court. You will be required to pay for any copies of your documents that you request from the Court.

DO NOT mail a copy of your complaint directly to any defendant.

The Court consists of four divisions — Indianapolis, Terre Haute, Evansville, and New Albany. **File your complaint if the correct division of the Court**, based on county where you live. The table on the next page lists which division to file in depending on your county.

Indianapolis		Terre Haute	Evansville	New Albany
Bartholomew	Madison	Clay	Daviess	Clark
Boone	Marion	Greene	Dubois	Crawford
Brown	Monroe	Knox	Gibson	Dearborn
Clinton	Montgomery	Owen	Martin	Floyd
Decatur	Morgan	Parke	Perry	Harrison
Delaware	Randolph	Putnam	Pike	Jackson
Fayette	Rush	Sullivan	Posey	Jefferson
Fountain	Shelby	Vermillion	Spencer	Jennings
Franklin	Tipton	Vigo	Vanderburgh	Lawrence
Hamilton	Union		Warrick	Ohio
Hancock	Wayne			Orange
Hendricks				Ripley
Henry				Scott
Howard				Switzerland
Johnson				Washington

Mail (1) your complaint and (2) your check, money order (if you can afford to prepay the full filing fee), or your Request to Proceed in District Court without Prepaying the Filing Fee to: "Clerk of the U.S. District Court" at the appropriate address listed below.

Southern District of Indiana Division Offices

Indianapolis

Birch Bayh Federal Bldg & U.S. Courthouse
 Courthouse 46 East Ohio Street
 Indianapolis, IN 46204
 (317) 229-3700

Evansville

Winfield K. Denton Federal Building & U.S.
 101 Northwest Martin Luther King Boulevard
 Evansville, IN 47708
 (812) 434-6410

Terre Haute

U.S. Courthouse
 921 Ohio Street
 Terre Haute, IN 47807
 (812) 231-1840

New Albany

Lee H. Hamilton Federal Building & U.S. Courthouse
 121 West Spring Street
 New Albany, IN 47150
 (812) 542-4510

Statement of Claim (Example 1)

Where

The plaintiff, Timothy Jones, worked for *HAL Corporation*, a computer

Who

manufacturer, at its *Chicago* area office from 2007 through 2013. On

When

December 1, 2013, *HAL Corporation* fired Jones from his job because he is an

What happened

African American. As a result, Jones has suffered lost wages and

Why it happened

humiliation. Jones wants HAL to give him his job back and pay him lost

wages and damages for his suffering.

Statement of Claim (Example 2)

When

On *December 1, 2013*, while plaintiff Samantha Smith was driving her

Where

car in *Indianapolis, Indiana*, *John Steven and Clyde Davis*, both city police

Who

officers, stopped her car. The officers had *no reason* to believe that she had

Why it happened

violated any law, but they detained and questioned her for an hour,

What else happened

embarrassing her as neighbors drove by. Before the officers allowed her to

What else happened

resume driving, they deliberately shoved her into the hood of her car. They did

Why it happened

so apparently *because her son recorded the episode*. The excessive force caused a head injury that required medical treatment. Smith wants damages for the one-hour detention, her medical treatment, pain, and embarrassment.

7. Helpful Definitions

Answer – A written statement by a defendant in a civil case that responds to a complaint, explaining the grounds for defense against the plaintiff's claim(s).

Brief - A written statement submitted by a party in a case that explains why the court should decide the case, or particular issues in a case, in that party's favor

Chief Judge - The judge who has primary responsibility for the administration of a court; chief judges in the lower federal courts are determined by seniority, among other rules.

Clerk of the Court - An officer appointed by the judges of a court to provide administrative support to the court.

Complaint - A written statement filed by the plaintiff that initiates a civil case, stating the wrongs allegedly committed by the defendant and requesting relief from the court.

Counsel - Legal advice; a term also used to refer to the lawyers in a case.

Damages - money paid by defendants to successful plaintiffs in civil cases to compensate the plaintiffs for their injuries.

Default judgment - A judgment rendered in favor of a party asserting a claim because of the defendant's failure to answer or appear to contest the claim. The defendant must be served with process before a default judgment can be entered.

Defendants - The defendants are the people and/or entities that the plaintiffs contend caused them a legal injury.

Docket - A log maintained by the Clerk of Court containing the complete history of each case in the form of brief chronological entries summarizing the court proceedings, filings, or other actions.

Federal Question Jurisdiction - Jurisdiction given to federal courts in cases involving the interpretation and application of the U.S. Constitution, acts of Congress, and treaties.

File - To place a paper in the official custody of the Clerk of Court to enter into the files or records of a case.

In Forma Pauperis - "In the manner of a pauper." Permission given by a court to a person to file a case without prepayment of the required court fees because the person cannot pay them.

Injunction - A court order prohibiting a defendant from performing a specific act or compelling a defendant to perform a specific act.

Judgment - The official decision of a court finally resolving the claims brought in a lawsuit.

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.

Litigation - A case, controversy, or lawsuit. Participants (plaintiffs and defendants) in lawsuits are called litigants.

Magistrate Judge - A judicial officer of a district court who conducts many pretrial civil and criminal matters to move a case forward, and decides civil cases with the consent of the parties.

Motion - A request by a litigant to a judge for a decision on an issue relating to the case.

Opinion - A judge's written explanation of a court decision.

Party - One of the litigants, typically referred to as the plaintiff or defendant.

Plaintiffs - The plaintiffs are the people who file the complaint and who assert claims identifying legal injury to them.

Procedure - The rules for conducting a lawsuit; there are local rules, rules of civil procedure, criminal procedure, evidence, bankruptcy, and appellate procedure.

Pro Se - A Latin term meaning “on one’s own behalf”; in courts, it refers to persons who present their own cases without lawyers.

Record - A written account of the proceedings in a case, including all pleadings, evidence, and exhibits submitted in the course of the case.

Service of Process - The delivery of initial notice of a lawsuit to the defendants. Often, this is done by delivering the plaintiff’s complaint, along with a “summons,” to the defendants in accordance with Federal Rule of Civil Procedure 4. Alternatively, the Rule permits delivery of a notice of the lawsuit and a request that the defendant waive service of the summons.

Settlement - Parties to a lawsuit resolve their dispute without having a trial.

Statute of Limitations - A law that sets the deadline by which parties must file suit to enforce their rights.

Subpoena - A command, issued under authority of a court or other authorized government entity, to a witness to appear and give testimony or produce documents.

Summary Judgment - A decision made on the basis of statements and evidence presented for the record without a trial. It is used when it is not necessary to resolve any factual disputes in the case as to all or some of the claims.

Summons – A document containing specific information about the lawsuit (described in Federal Rule of Civil Procedure 4) that must be delivered to the defendant with the complaint. Alternatively, the Rule permits delivery of a notice of the lawsuit and a request that the defendant waive service of the summons.

Venue - The geographical location in which a case is tried.