

**NOTICE TO PLAINTIFF REGARDING SERVICE OF SUMMONS AND
COMPLAINT**

The Court is providing you, the Plaintiff, important information about notifying the Defendants that your lawsuit has been filed. Please read it carefully.

Federal Rule of Civil Procedure 4 requires that the defendants must be notified of your lawsuit against them. This must be done within 90 days after you file your complaint or after your *in forma pauperis* motion is ruled on if you filed a motion to proceed without prepaying the filing fee ("IFP"). Notifying the defendants is done by providing the defendants with a document called a "summons" along with a copy of your complaint. This is called "service." **It is your responsibility to provide the correct name and address of the person to receive service.** If you are granted IFP status, the Court will serve the defendants on your behalf. **If you are not proceeding IFP, you are responsible for seeing that the defendants are properly served.**

Service if you are not proceeding IFP

It is very important to read Federal Rule of Civil Procedure 4 closely. The Federal Rules of Civil Procedure can be found here: www.law.cornell.edu/rules/frcp. Rule 4 contains many requirements that must be met for service to be properly accomplished. Improper service may result in the dismissal of your case.

You must present a separate, completed summons form for each defendant in our case to the Clerk for endorsement. The summons form can be found on the Court's website at www.insd.uscourts.gov/forms/local-forms/civil_forms. Rule 4 tells you how the summons must be completed. If the summons is completed properly, the Clerk will "issue" it – by stamping it and providing a copy to you. Keep the second page of the



summons (the "Proof of Service" page) so that you can file it with the Court after service has been completed.

It is your responsibility to arrange for service – that is, providing the summons and a copy of your complaint to each defendant by a method specified in Rule 4. Note that whatever delivery method you choose, delivery must be completed by a person at least 18 years of age and NOT a party to the action. This means that you – the Plaintiff in the case – cannot serve the summons yourself, whether by certified mail or another method.

Once service has been completed, the person who performed service must complete and sign the "Proof of Service" page. You must file the Proof of Service page with the Court. Make sure you write your case number at the top of the page.

Alternatively, you may formally request, by motion filed with the Court, that the Court "order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court." Rule 4(c)(3). Your motion must include proper person to receive service and the address at which process should be served. If the court grants your request, you will be responsible for paying all costs associated with service, which may include fees for postage, fees of the server to travel and make personal service, or other costs.

