



Federal Pro Se Clinic

CENTRAL DISTRICT OF CALIFORNIA: WESTERN DIVISION

How to Write a Complaint

Step 1: Pleading Paper

Complaints must be written on **pleading paper**. "Pleading paper" is letter-sized (8.5" x 11") paper that has the numbers 1-28 typed down the left-hand side.

You can download a template for pleading paper in Microsoft Word format at Public Counsel's website:

- Go to <http://www.publiccounsel.org/featured?id=0003>
- Under the "Forms" section, click the link that says "Pleading Paper."

Step 2: Format Your Complaint

Complaints may be typed or handwritten. If handwritten, the writing must be *legible*. By following the instructions below, you will comply with the format requirements of the Local Rules for the Central District of California (see the picture to the right):

- 1) **Font and Margins:** 14 pt size font (suggested fonts: Times New Roman or Arial); 1-inch margins.
- 2) **Name and Contact Information:** Starting on Line 1, write your name, email address, street address, and phone number. Write "Plaintiff in Pro Per" underneath your personal information.
- 3) **Line 8 or below:** Type the name of the court (United States District Court). On the next line, write the district name (Central District of California).
- 4) **Party Names:** Below the name of the court and district, write the names of the plaintiff and the defendant(s).
- 5) **Case Number:** Your case number goes to the right of the party names. You will not get a case number until *after* you file your complaint, so leave the case number blank. Once you get a case number, you should include that number on every subsequent document you file with the court.
- 6) **Title of Complaint and Demand for Jury Trial:** Under the Case Number, write the title of your complaint. The title of the complaint should briefly state the nature of your claim. If you are asking for a jury trial, be sure to write "Demand for Jury Trial" below the title.

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- 7) **Text of Complaint with Numbered Paragraphs**: This is the main part of your complaint, in which you will write the facts and legal claims you are asserting in your lawsuit. This part must be 1.5 or double-spaced, and each paragraph must be numbered. **More complete instructions on what to write in your complaint are contained in Step 3 of this guide.**
- 8) **Date and Signature**: When you have finished writing your complaint, write the date, your signature and print your name.
- 9) **Footer and Page Numbers**: Type or write “Complaint” in the footer portion of your document. Be sure to number every page.

Step 3: Draft Your Complaint

(Before you complete this section, please read “Preparing a Federal Case,” available in the Federal *Pro Se* Clinic, as it contains an explanation of jurisdiction and venue, which you must address in your complaint.)

The complaint should include the following sections:

- **Jurisdiction**: Explain why the federal court has jurisdiction over your case.
- **Venue**: Explain why you are suing in this court.
- **Parties**: Identify the plaintiff and defendants in the case.
- **Statement of Facts**: Explain the relevant facts of your case.
- **Claims**: List your legal claims (also called “causes of action”).
- **Request for Relief**: Explain what you would like the court to do.

Optional sections include:

- **Demand for Jury Trial**: You need to include this section only if you are requesting a jury.
- **Exhibits**: If you refer to any photos, letters, or other documents in your complaint, you must attach them at the end of your complaint and label them “Exhibit A,” “Exhibit B,” and so on. You can “label” a document “Exhibit A” by placing a tabbed page that says “Exhibit A” in front of that document. It is best to use tabs so that the court can easily find the exhibits.

What to Write in Each Section

I. Jurisdiction

In this section, you will state why federal courts have **subject matter jurisdiction** over your case—that is, why your case belongs in federal court. Please see “Preparing a Federal Case” for a full explanation of federal subject matter jurisdiction. Two examples of statements of jurisdiction are:

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For Federal Question Jurisdiction: This court has jurisdiction under 28 U.S.C. § 1331. Federal question jurisdiction arises pursuant to (list the federal laws or statutes that apply to your case).

or

For Diversity Jurisdiction: This court has jurisdiction under 28 U.S.C. § 1332 because there is diversity of citizenship and an amount in controversy greater than \$75,000.

II. Venue

In this section, you will state why the Central District of California is the right **venue** in which to file your case (please see “Preparing a Federal Case” for a full explanation of venue). The following are examples of statements of venue:

Venue is proper pursuant to 28 U.S.C § 1391 because the events giving rise to this complaint happened in this district.

or

Venue is proper pursuant to 28 U.S.C. § 1391 because the property at issue in this complaint is located in this district.

Make sure that you are in the right court before drafting a statement of venue.

III. Parties

Explain who you are and who the defendant is. One way to identify parties is to write their full name and address and other information so that the reader can understand each party’s relationship to your claims.

IV. Statement of Facts

In this section, you will write a summary of the facts relevant to your lawsuit. Be sure to include all of the relevant facts so that the reader will understand what happened and how those incidents were a violation of a law or legal obligation. Stating a conclusion, such as “The defendant violated my rights,” is not enough. You must explain what the defendant did that violated your legal rights. It is important for you to be familiar with the elements

1	Name)	Case No.: CV 1-1 ABC (DE)
2	Email Address)	
3	Address Line)	
4	Phone Number)	
5	Plaintiff in Pro Per)	
6			
7			
8			
9			
10	Your Name,)	
11	Plaintiff,)	
12	vs.)	COMPLAINT FOR
13	Defendant’s Name,)	DAMAGES PURSUANT TO
14	Defendant.)	42 U.S.C. §1983
15)	DEMAND FOR JURY TRIAL
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**United States District Court
Central District of California**

Jurisdiction

1. This court has jurisdiction under 28 U.S.C. § 1331. Federal question jurisdiction arises pursuant to 42 U.S.C. § 1983.

Venue

2. Venue is proper pursuant to 28 U.S.C. § 1391 because the defendant is a federal government official, and the plaintiff lives in this district.

Parties

3. Plaintiff (insert Your Name) resides at 1234 Main St., Los Angeles, CA 90000.

Complaint 1

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4. Defendant (insert Defendant’s name) resides at 4321 Main St., Los Angeles, CA 90000.

5. Defendant is currently employed as an officer with (insert city agency).

Statement of Facts

6. (Insert facts here that are relevant to your claims, including names, events, dates, and places. Be sure to number every paragraph).

Claim I

(Violation of civil rights: Unlawful arrest, searches and confinement in custody)
(4th and 14th Amendments/42 U.S.C. § 1983)

7. Plaintiff realleges paragraphs 1 through 6.

8. By doing the acts described above in Paragraph 6, Defendant caused and/or permitted the violation of Plaintiff’s Fourth and Fourteenth Amendment rights to be free from unreasonable searches and seizures, thereby entitling Plaintiff to recover damages pursuant to 42 U.S.C. § 1983.

Claim II

(Violation of civil rights: Violation of Due Process)
(14th Amendment/42 U.S.C. § 1983)

Complaint 2

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of each cause of action or legal claim you are raising in your complaint because you must include facts that satisfy those elements. You may wish to consult a treatise and/or model jury instructions available at your local law library for more information about the elements for various claims.

If you refer to a document in your statement of facts, *be sure to cite the document as an exhibit and attach that document at the end of your complaint.* For example, if a plaintiff wanted to show that he was released from police custody at a certain time and has an official document showing the time of his release, he could write, "Plaintiff was released from custody on April 2, 2005 at 4:42 pm. [See Exhibit A]." Then he would attach the document at the end of his complaint and label it "Exhibit A" by placing a tabbed page that says "Exhibit A" in front of that document. Be sure to continue numbering the pages of any document you add as an exhibit.

V. Claims

After you have listed your facts, you should list your legal claims (also called "causes of action"). This is the section in which you allege that the defendant violated laws or legal obligations. You must identify the source of that law or legal obligation. For example, if the defendant violated a statute, cite the statute. If the defendant violated a contract, explain how there was a violation of a contract. If you have several claims, separate them under different sections, and title them, "Claim I," "Claim II," "Claim III," and so on.

VI. Request for Relief

The term **relief** refers to solutions or remedies that the court is able to provide. In this section, you will write what you would like the court to do about your situation. List each request under a different paragraph with a different number. This part should look something like:

1	9. Plaintiff realleges paragraphs 1 through 6.
2	10. By doing the acts described above in Paragraph 6, Defendant
3	caused and/or permitted the violation of Plaintiff's right to Due
4	Process guaranteed by the Fourteenth Amendment, thereby
5	entitling Plaintiff to recover damages pursuant to 42 U.S.C. § 1983.
6	
7	<u>Request for Relief</u>
8	WHEREFORE, the plaintiff requests:
9	
10	11. Compensatory damages, including general and special
11	damages, according to proof;
12	12. Any further relief which the court may deem appropriate.
13	
14	<u>Demand for Jury Trial</u>
15	14. Plaintiff hereby requests a jury trial on all issues raised in
16	this complaint.
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19	Dated: January 1, 2009
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21	(sign here) _____
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23	By: (print your name) _____
24	
25	Plaintiff in Pro Per
26	
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28	
	Complaint
	3

WHEREFORE, the plaintiff requests:

<p>Your numbers for these paragraphs may be different, depending on the number of paragraphs you have written already.</p>	<p>14. (insert what you want from the court)</p> <p>15. (insert whatever else you want from the court)</p> <p>16. Any further relief which the court may deem appropriate.</p>
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VII. Demand for Jury Trial:

If you do not want a jury trial, skip this part. If you want a jury trial, you should request it at the end of your complaint or within 14 days of filing your complaint. *Otherwise, you may be considered to have given up your right to a jury.*

If you wish to request a jury trial, in the last section of your complaint, write:

Plaintiff hereby requests a jury trial on all issues raised in this complaint.

Remember, if you are requesting a jury trial, you should also include this request under the title of your complaint.

*** GENERAL REMINDERS ***

- Be sure to start each section in your complaint with the appropriate headings (**Jurisdiction**, **Venue**, **Parties**, **Statement of Facts**, **Claims**, **Request for Relief**).
- Number each page and each paragraph.
- Label any documents you would like the court to see as exhibits and attach them at the end of your complaint. Use tabbed pages to label the exhibits. Refer to the exhibits in your complaint.

Step 4: Turn Your Complaint In

Once you have drafted your complaint, you must turn it in to the Civil Intake Office, located on the Main Street Floor in room G-8 of the U.S. Courthouse on Spring Street in downtown Los Angeles. The Intake Office is in the same building as the Federal *Pro Se* Clinic. The Intake Office cannot help you write your complaint or give you legal advice. If you have questions, please see an attorney at the Federal *Pro Se* Clinic on the Main Street Floor, Room G-19.

File **1 original** and **2 copies** of each document with the Civil Intake Division. Along with your complaint, you must fill out and turn in several forms, available in the Civil Intake Office. These forms include: a **Civil Cover Sheet**, a **Summons**, and a **Certificate and Notice of Interested Parties**. See the sidebar for a description of each form, as well as the number of copies you will need of each.

It costs \$400 to file a federal complaint. If you can't afford the filing fee, you must apply for ***In Forma Pauperis* (IFP)** status to have the fee waived.

FORMS TO TURN IN WITH YOUR COMPLAINT

All of these forms are available in the Civil Intake Office and the Federal Pro Se Clinic.

Complaint: 1 Original + 2 Copies

Civil Cover Sheet: a form that asks you questions about the nature of your case
(Required: 1 Original + 2 Copies)

Summons: written notice to the defendant that a lawsuit has been filed against him
(Required: 1 Original + 2 Copies)

Certificate and Notice of Interested Parties: a list of anyone who may have a direct interest in the outcome of your case, including any insurance companies that may have to pay all or part of a court judgment
(Required: 1 Original + 2 Copies)

***In Forma Pauperis* Application (optional):** a request to waive the \$400 filing fee. This form must be submitted with your complaint and is only for those who cannot afford the fee. You will tell the court your income and employment status.
(Required: 1 Original + 2 Copies)

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A form for this request is available at the Intake Office and at the Federal *Pro Se* Clinic. You will be required to tell the court in this form your income and current employment. Only those who truly cannot afford the filing fee should apply for IFP status.

If you need help filling out these forms, visit the Federal *Pro Se* Clinic.

Step 5: Serve the Complaint and Summons on the Defendant

Once you file a complaint, you must have a person over the age of 18 who is neither a plaintiff nor a defendant in the case serve a copy of your complaint and summons on the defendant. Rule 4 of the Federal Rules of Civil Procedure explains the precise requirements one must follow. The person who serves the summons and complaint must then fill out a Proof of Service form that explains how service was accomplished and file it with the court. If you have questions about service, please visit the Federal *Pro Se* Clinic.

CHECKLIST

- Have I read "Preparing a Federal Case?"**
- Have I formatted my complaint correctly on pleading paper?**
- Have I titled my complaint?**
- Have I included all of the information required in my complaint?**
 - Jurisdiction
 - Venue
 - Parties
 - Statement of Facts
 - Claims
 - Request for Relief
 - Demand for Jury Trial (optional)
 - Exhibits (optional)
- Have I filled out all of the necessary forms that I must file with my complaint?**
 - Complaint (Original + 2 copies)
 - Civil Cover Sheet (Original + 2 copies)
 - Summons (Original + 2 copies)
 - Certificate and Notice of Interested Parties (Original + 2 copies)
 - Request for *In Forma Pauperis* Status (Optional: Original + 2 copies)
- Have I asked the Federal *Pro Se* Clinic for help?**

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Useful Internet Links

To bring a case in federal court, you must be familiar with the Federal Rules of Civil Procedure and the Local Rules of the court in which you are suing. You may find a copy of each at the following websites:

- **Federal Rules of Civil Procedure:** <http://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure>
- **Local Rules of the Central District of California:** <http://www.cacd.uscourts.gov/court-procedures/Local-Rules>

Glossary of Terms

Certificate and Notice of Interested Parties: a list of anyone who may have a direct interest in the outcome of your case, including any insurance companies that may have to pay all or part of a court judgment (Required: 1 Original + 2 Copies)

Civil Cover Sheet: a form that asks you basic questions about the nature of your case (Required: 1 Original + 2 Copies)

complaint: the initial pleading that explains your case to the court and to the parties you are suing

damages: money award arising out of a lawsuit

In Forma Pauperis application: a request to waive the \$400 filing fee. This form must be submitted with your complaint and is only for those who cannot afford the fee. In the form, you will tell the court your income and employment status.

jurisdiction: the power of a court to make a ruling on your case

pleading: a formal written statement to the court

pleading paper: paper formatted with the numbers 1-28 along the left side margin; the required paper on which to draft complaints

relief: a solution that the court can provide (also called **remedy**)

Summons: written notice to the defendant that a lawsuit has been filed against him (Required: 1 Original + 2 Copies)

venue: the location of a court that may hear your case