

**OFFICE OF THE CLERK
United States District Court
Southern District of Florida**



CIVIL FILING REQUIREMENTS

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COURT ADMINISTRATOR/CLERK OF COURT**

The Mission of the Clerk's Office for the Southern District of Florida is to provide the support necessary to enable the Court as an institution to fulfill its constitutional, statutory, and societal responsibilities for all who seek justice.

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Section 1 - GENERAL COURT INFORMATION

1A. Office Addresses and Telephone Numbers

The Clerk's Office is located in the Miami, Fort Lauderdale, West Palm Beach and Fort Pierce divisions, and is open to the general public from 8:30 a.m. to 4:30 p.m. on regular business days. Customer service is also provided over the telephone from 8:30 a.m. to 5:00 p.m. Due to limited staffing, these hours do not apply to the Key West Office. However, Clerk's Office staff in Miami will provide public assistance over the telephone when the Key West office is not staffed. The courthouses are located at:

400 North Miami Avenue, 8th Floor
Miami, Florida 33128
305-523-5100

299 East Broward Boulevard, Room 108
Fort Lauderdale, Florida 33301
954-769-5400

701 Clematis Street, Room 202
West Palm Beach, Florida 33401
561-803-3400

101 South U.S. Highway 1, Room #1016
Ft. Pierce, FL 34950
772-467-2300

301 Simonton Street, Room 130
Key West, Florida 33040
305-295-8100
(limited hours)

1B. Website

The Southern District of Florida's website, located at: <http://www.flsd.uscourts.gov>, contains the Local Rules of this Court as well as general court information and other resources related to case processing.

1C. Court Records Available at Courthouses and Remotely via PACER

Public computer terminals that allow access to the Court's Case Management/Electronic Case Filing system (CM/ECF) are available at the courthouses. The terminals may be used to conduct case searches by party name or case number.

Case and docket information can also be accessed remotely via the PACER system (Public Access to Court Electronic Records). PACER is provided by the federal Judiciary to provide public access to court information via a centralized service. PACER is available to anyone (attorneys, pro se filers, the media, general public, etc.) who registers for a PACER account. PACER is available 24 hours a day, including weekends. Public case information is available via PACER as soon as the information is entered in CM/ECF. The electronic record is considered the official record in this district.

Please Note: Access to court documents from PACER can be obtained at a *cost less than copies obtained from the Clerk's Office*. Access to court documents via PACER costs \$0.10 per page, with a maximum charge of \$3.00 for documents or reports that are more than 30 pages. *PACER fees are waived, if charges are \$15 or less in a quarter (3 month period), effectively making the service free for many people. (Copies made by the Clerk's Office are generally \$.50 per page.)*

Information about PACER and signing up for an account can be found on PACER's website at <http://pacer.psc.uscourts.gov> or calling 1-800-676-6856.

1D. Fees

Fees are set by the Judicial Conference of the United States. The Fee Schedule is available on the Court's website at <http://www.flsd.uscourts.gov>.

1E. Forms

Most forms/documents listed in this Guide can be located on the Court's website at <http://www.flsd.uscourts.gov>. Forms are also available from the Administrative Office of the U.S. Courts' website at www.uscourts.gov.

Section 2 -GENERAL FILING REQUIREMENTS

Disclaimer: The information in this guide does not take the place of a pro se litigant or attorneys' responsibility to comply with the Local Rules, the Federal Rules of Civil Procedure and all other laws. The Local Rules of this Court may be obtained at the Intake Section at of the Clerk's Offices free of charge or from our website at <http://www.flsd.uscourts.gov>. **This guide is NOT legal advice.**

2A. Electronic Filing Requirements

On October 12, 2006, the Southern District of Florida implemented CM/ECF, an electronic filing system designated for use nationwide by the United States Courts. Electronic filing is mandatory for all attorneys admitted to practice in the Southern District of Florida. For additional information, refer to the CM/ECF Administrative Procedures.

2B. Pro Se Litigants

Pro se litigants, or individuals who represent themselves, are **not** permitted to file electronically. Non-prisoner pro se litigants may receive notices electronically after filing the form “Consent by Pro Se Litigants (Non-Prisoner) to Receive Notice of Electronic Filing” which can be found on the Court’s website (www.flsd.uscourts.gov). For additional information, refer to the [CM/ECF Administrative Procedures](#). *See Attachment A (Sample Document)*.

Once a case has been filed, it is extremely important for a plaintiff to be diligent in pursuing the case. The plaintiff has an obligation to attempt to make the case ready for trial. All parties must make their best efforts to complete discovery as to the facts of the case within the time limits and in accordance with procedures. In addition, the plaintiff must obey all orders of the Court that may be issued in the case, and must appear for all conferences or hearing. Failure to do so is grounds for dismissal or sanctions.

2C. Response Deadlines

Parties served by non-electronic means may be entitled additional time to respond. See Federal Rules of Civil Procedure 6(d), Federal Rules of Criminal Procedure 45(c), and Local Rule 7.1(c)(1)(A). Parties are advised that deadlines to respond automatically calculated in CM/ECF do NOT account for and may not be accurate when service is by mail. Parties may NOT rely on response times calculated in CM/ECF, which are only a general guide, and must calculate response deadlines themselves.

2D. Requirement to Maintain Mailing Address and Contact Information

Pursuant to Administrative Order 2005-38, parties appearing pro se must file, in each pending case, a notice of change of mailing address or contact information whenever such a change occurs. If court notices sent via the U.S. mail are returned as undeliverable TWICE in a case, notices will no longer be sent until a current mailing address is provided.

Pursuant to Administrative Order 2005-038 and Section 3D of the CM/ECF Administrative Procedures, whenever a change of address or contact information occurs, attorneys must electronically file a Notice of Change of Address, and update their email/contact information in CM/ECF, in all pending cases.

2E. Conventional (Paper) Filings

All conventional filings (as permitted by the Court’s CM/ECF Administrative Procedures) must indicate the case number and may be filed at any division. Documents should not be filed directly with the Judge unless instructed by the Judge to do so.

All documents must be on 8½" by 11" (letter size) white paper and should not be bound or double sided. For additional information, refer to Local Rule 5.1.A [[See Local Rules](#)]. If the filing party needs a file-stamp copy returned for his/her records, an extra copy of the document must be provided.

2F. Signature Block and Certificate of Service

Filings must include a signature block with the name, street address, telephone number, facsimile telephone number, e-mail address of the filing party (and the Florida Bar identification number if filed by an attorney). Conventional filings must include an original (wet) signature by the filer. Filings must also include a certificate of service that contains the name, street address, telephone number, facsimile telephone number, and e-mail address of all counsel for all parties, including the party filing the pleading. For additional information, refer to Local Rule 5.1.A. [See Attachment A](#) (*Sample Document*).

2G. Motions

A motion is an application to the Court asking the Court to take action in a case. Motions should state the specific action sought and the facts that support the requested action. [See Attachment A](#) (*Sample Document*).

A proposed order for consideration by the Judge must be submitted with motions as specified in Local Rule 7.1A.1 and must comply with 3I(6) of the CM/ECF Administrative Procedures.

NOTE: A party who requests to amend a pleading must attach the original amendment to the motion. If a motion to amend is granted, the filing party must separately re-file the amended pleading pursuant to Local Rule 15.1, unless otherwise ordered by the Judge.

2H. Discovery

Discovery is the exchange of information between all parties prior to trial. Generally, discovery materials (in civil cases) will **not** be accepted for filing. This Court will only accept the following discovery materials that are permitted by Local Rule 26.1.B. Such discovery materials must be accompanied by a Notice of Filing:

- Discovery documents in support/objection to a specific motion.
- Discovery documents filed for trial/appellate purposes.
- Discovery documents that have been ordered to be filed by the Court.

2I. Civil Subpoenas

Civil Subpoena for Trial is the process by which the Court, at the request of a party, commands a witness to appear at a trial or hearing for the purpose of giving testimony before the Court.

Civil Subpoena for Deposition or a Subpoena for Documents (Duces Tecum) is the process by which the Court, at the request of a party, commands a witness to produce testimony (*i.e.*, deposition) or a document(s) that is pertinent to the issues of a pending action. In the case of a subpoena for a deposition or production of documents taking place in **another district**, the name of that Court and case number (where the deposition or production is to take place) must be indicated on the subpoena. For additional information, refer to the Federal Rules of Civil Procedure, Rule 45.

(1) Issuance of Subpoenas

Federal Rules of Civil Procedure, Rule 45 was amended as of December 1, 1991 to abolish the requirement that a subpoena be issued under the seal of the Court; the only requirement under the amended rule is that the subpoena be signed by an attorney.

Pro se litigants, or other parties who are *not* officers of the Court, must have subpoenas issued by the Clerk's Office. If an attorney or party requests that the Court issue a subpoena, the Clerk's Office shall issue a subpoena, which is signed (not sealed or dated) but otherwise blank, to the requesting party.

Attorneys may also issue and sign subpoenas as an officer of (a) a Court in which the attorney is authorized to practice, or (b) for a district where the deposition is to be taken or production is to be made, if the attorney is authorized to practice in the Court where the action is pending.

(2) Service of Subpoenas and Fees

A subpoena may be served by any person who is at least 18 years old and not a party in the case. Proof of service, when necessary, requires filing a statement showing the date and manner of service and the names of the persons served. The Proof of Service must be certified by the server. Refer to U.S. Code: Title 28, Section 1821 for information fees including witness fees, mileage, etc.

2J. Emergency Matters

Effective December 1, 2015, attorneys authorized to file electronically in the CM/ECF system must file emergency matters electronically using the events specifically earmarked for emergency matters. However, emergency motions in criminal cases that are also *ex parte* or sealed must be filed conventionally. A party appearing *pro se* must continue to file emergency matters conventionally.

A signed Certification of Emergency, attesting that the emergency was not caused by the filing party's lack of due diligence, must be filed at the time the emergency matter is filed. It is the filing party's responsibility to determine whether the matter *is*, in fact, an emergency that cannot wait for the assigned District Judge's return. [See Attachment B \(Certification of Emergency\)](#). (Refer to Local Rule 7.1 and Section 10 of the CM/ECF Administrative Procedures for additional information.)

2K. Notification of 90 Days Expiring

Pursuant to Local Rule 7.1.B.4, a “Notice of Ninety Days Expiring” shall be filed within fourteen days of the expiration of the applicable 90 day period if (1) any motion or other matter has been pending and fully briefed with no hearing set for 90 days; or (2) any motion or other matter on which the Court has conducted a hearing but has not entered an order (or otherwise made a decision on the matter) within 90 days of the hearing. The Notice must be served on all parties and must contain the following information:

- Title and docket entry number of the subject motion or other application, along with the dates of service and filing.
- Title and docket number of any and all responses or opposing memoranda, along with the dates of service and filing, or if no such papers have been filed, the date on which such papers were due.
- Title and docket entry number of any reply memoranda, or any other papers filed in connection with the motion or other matter, as well as the dates of service and filing.
- Date of any hearing held on the motion or other matter.

2L. Sealed Documents

Documents and cases are sealed when it is determined by a Judge that the information contained in them should not be a part of the public record. Sealed documents are not available for inspection by case participants or the public. Effective December 1, 2015, attorneys authorized to file electronically in the CM/ECF system must file sealed documents electronically in civil cases otherwise open to the public. In instances where the entire civil case is sealed, the initial complaint or other initiating documents as well as subsequent sealed filings must continue to be filed conventionally. Parties seeking to file matters under seal must follow the procedures prescribed by the CM/ECF Administrative Procedures and Local Rule 5.4.

Note: In civil cases only, the Motion to Seal (not the proposed sealed filing) and the docket text will be publically available on the docket unless otherwise ordered by the Court.

The Motion to Seal must explain the basis for departing from the general policy of public access to filings. The motion must specify how long the party is requesting to have the matter sealed. In addition, the filing party must submit a proposed order. The proposed filing to be sealed must be clearly marked as “sealed document”.

2M. Conditions for Fees Paid by Check

Fees paid by personal/business checks must comply with the following conditions:

- Checks must be payable to “Clerk, United States Courts”.
- Checks must be imprinted with a name *and* address (not handwritten or typed).
- Case number and case name must be written in the memo section of the check.

2M. Filings May Not be Submitted on CD, DVD, Cassette, or VHS Tape

Filings submitted on CD, DVD, cassette or VHS tape (or other multi-media format) will not be accepted for filing, unless they were previously submitted as evidence or unless filed pursuant to Court order.

2N. Documents Written in Foreign Languages Must Be Accompanied With Translation

Documents not written in English (i.e., foreign language, braille) must be accompanied by a translation, unless a waiver has been granted by the Court.

Section 3 - REDACTION REQUIREMENT and PRIVACY POLICY

All filings must comply with the redaction requirements in the Federal Rules of Civil Procedure, Rule 5.2 and the Federal Rules of Criminal Procedure P. 49.1. Unless exempted by the rules or by court order, the personal identifiers noted below must be redacted (removed) so that only the following appear in filings: *Social Security number*: last four digits only (XXXXX- 1234); *taxpayer ID number*: last four digits only; *financial account numbers*: last four digits only; *date of birth*: year only; *minor's name*: initials only; *home address*: city and state only (for criminal cases only).

The filing party is responsible for the redaction (removal) of personal identifiers. The Clerk's Office will not review any document for redaction purposes. Any personal information included in filings will be available to the public over the internet via PACER. For the complete privacy policy and redaction requirements, refer to the CM/ECF Administrative Procedures located on the Court's website www.flsd.uscourts.gov.

Section 4 - DOCUMENTS AND FEES RELATED TO NEW CIVIL CASES

4A. Complaint/Petition

A federal civil case begins when a plaintiff files a complaint/petition with the Clerk of Court that states a claim(s) against a person or entity (defendant) who the plaintiff asserts has committed an actionable, wrongful act. The complaint/petition begins the legal process and gives notice to the person(s) being sued and the Court about the nature of the lawsuit. Generally, lawsuits should be filed in the district where the defendant resides or where the claim arose. For additional

information, refer to U.S. Code: Title 28, Section 1330-1369. [See Attachment C \(Sample Complaint\)](#). In addition, the Administrative Office of the U.S. Courts has developed additional forms for pro se litigants which can be found at <http://www.uscourts.gov/forms/pro-se-forms>.

Complaints/Petitions must contain the following information:

- **Caption** which appears at the top of the first page of the complaint and states the Court in which the case is being filed and the names of the parties.
- **Name** of the plaintiff(s) and defendant(s).
- **Federal Statue** stating why the Court has jurisdiction of the case (the power and authority of the Court to hear the case).
- **Allegations** or **claims** briefly describing how each defendant is involved, names of other persons involved, and dates and places. Each claim should be stated in a separately numbered paragraph and limited to a statement of a single set of facts. Please use short and plain statements, with separately numbered paragraphs indicating why the relief requested should be granted. (Legal arguments or citations are not necessary.)
- **Relief** sought from the Court (what is being requested from the Court).
- **Signature line** noting the filing party's signature, street address, telephone number, facsimile number and e-mail address (Florida bar number, if filing party is an attorney).

Pro se parties and attorneys who are not authorized to file electronically via the CM/ECF System must file (1) an **original** complaint **signed** by the filing party; and (2) one copy of the complaint for each defendant named in the complaint. The copies of the complaint will be file-stamped and returned to the filing party for service on the defendants in the case.

Attorneys admitted to practice in this Court must file new civil complaints or other civil case initiating documents electronically via the CM/ECF system as outlined in Section 8 of the CM/ECF Administrative Procedures. Additional information, including the CM/ECF Electronic Case Opening Guide, is available on the Court's Website under the [CM/ECF tab](#).

4B. Civil Cover Sheet

Pursuant to Local Rule 3.3, a Civil Cover Sheet (JS-44) [[See Forms on internet](#)] must be filed with a new civil complaint or other case initiating document. **All sections of the form must be completed including:** the County Where the Action Arose (Section Id); Basis of Jurisdiction (Section II); Citizenship of Principal Parties, *only if it is a diversity case* (Section III); Nature of Suit (Section IV); Origin (Section V); Cause of Action and Estimated Time to Try the Case

(Section VII); Jury Demand (Section VIII); and Original Signature of Filer. [See Attachment D \(Civil Cover Sheet\)](#) and [Attachment E \(Cause of Action Codes\)](#).

If the action involves the refiling of a complaint, a copy of the order that closed/dismissed the previous case must be filed with the Civil Cover Sheet.

4C. Filing Fee and Application to Proceed Without Prepaying Costs or Fees

The filing of a new civil case must include the appropriate filing fee, payable to “Clerk, United States Courts.” The amount of the fee is determined by the nature of the complaint. The fee schedule is available on the Court’s website at <http://www.flsd.uscourts.gov>.

A filing fee is not required if the filing party is requesting to proceed in forma pauperis (request to proceed without paying fees). The filing party must file an Application to Proceed in District Court Without Prepaying Fees or Costs, or an affidavit which substantially follows the form and establishing why the filing party is unable to pay the fees and costs for the proceeding. The Judge will determine if the filing fee can be waived. [See Attachment F \(Application Proceed Without Prepaying Fees\)](#).

The Clerk’s Office will accept *pro se* prisoner cases *without* the filing fee or an Application to Proceed Without Prepaying Fees or Costs. *Pro se* prisoner fee issues will be determined by a Judge after the case is filed.

4D. Summonses

A summons is a notice to a defendant(s) that a complaint has been filed against the defendant and directs the defendant to answer the complaint within a specified time period and at a specified location. There is no fee for issuing a summons; however, the Clerk’s Office will **not** issue a summons unless the filing fee has been paid *or* there is an Order Granting Application to Proceed Without Prepaying Fees or Costs.

Note: *Please refer to the Federal Rules of Civil Procedure 4 and the Local Rules to become thoroughly familiar with the procedures governing service of process. Failure to serve the summons and complaint within 90 days of filing the complaint is grounds for dismissal of each party not served*

(1) Issuance of Summonses

Pro se parties and attorneys who are not authorized to file electronically must prepare and file an original, signed summons and **two copies for each defendant**. Summonses must include the time within which the defendant must respond to the complaint. The time runs from the date the defendant is served with the complaint. [See Attachment G](#) (*Summons*).

Summonses can be filed in any divisional office in the Southern District of Florida. The Clerk's Office will issue the summons by dating, signing, and affixing a seal on the original summonses and each of the copies.

The Clerk of Court will retain one summons for each defendant to document the issuance of the summons. Two copies of the summonses will be returned to the plaintiff together with the copies of the complaint to be served.

If an Application to Proceed Without Prepayment of Fees or Costs (*in forma pauperis*) was filed and granted by the Court, the plaintiff may motion the Court to order the United States Marshal Service to serve each defendant without cost to the plaintiff.

(2) Method of Service

The method of serving the summonses depends on the circumstances of each case. At the time a party is requesting the issuance of summonses, the filing party must inform the Clerk's Office which method of service will be used. The three methods of service are:

- **Personal Service** - Service may be made by any person who is not a party to the case and who is at least 18 years of age, *or* by an order of the Court directing that service be effected by the United States Marshal Service.
- **Notice of Lawsuit & Waiver of Service of Summonses** - To avoid costs, the plaintiff may notify the parties in the lawsuit of the commencement of the action, and request that they waive service by summons. If a Waiver of Service of Summons is returned signed by the defendant, the plaintiff must file it with the Clerk's Office. If the defendant does not return the waiver within the prescribed time frame, the plaintiff must prepare the summons to be issued and serve the defendant in the manner described. [See Attachment H](#) (*Notice of Lawsuit/Waiver of Summons*).
- **International Service and/or Letter of Request** - Service of process in a foreign country. For additional information, refer to the International Service of Summons 28 U.S.C. 1696 and Rule Federal Rules of Civil Procedure, Rule 4(f)(2)(B) (not via Hague Convention).

The plaintiff is responsible for prompt service of (1) the summons and (2) a copy of the complaint on each of the defendants named in the complaint.

The plaintiff is also responsible for ensuring that the defendants are served with the complaint within 120 days of the filing date of the action. The filing party must allow 21 days for the defendant to answer when serving a private individual or corporation. The filing party must allow 60 days for the defendant to answer when serving a federal agency or individual acting in an official federal government capacity.

(3) Proof of Service

The plaintiff must file with the Court proof that the defendant(s) have been served in accordance with Rule 4 of the Federal Rules of Civil Procedure. It is the responsibility of the person serving the summons to prepare and file Proof of Service, along with a summons for each defendant, to document service of process. [See Attachment G \(Summons\)](#).

(4) Answer to Complaint

The answer is a defendant's written response to the complaint, stating his/her defenses to the claims and either admitting or denying the specific allegations contained in the complaint. For additional information, refer to the Federal Rules of Civil Procedure, Rule 8(b). [See Attachment A \(Sample Document\)](#).

The defendant must file the answer with the Court and serve a copy on all opposing parties. Failure of the defendant to answer or otherwise defend him/herself in a timely manner is grounds for a Default Judgment against the defendant. For additional information, refer to the Federal Rules of Civil Procedure, Rule 55.

Section 5 - SPECIFIC CIVIL ACTIONS

5A. Complaint Against Private Person, Corporation, or Against the United States

Such suit or action should be brought in the district where the action arose or where the defendant is located. If the *defendant* is not within this district, the venue is the location where the *plaintiff* is located. For additional information, refer to the Federal Rules of Civil Procedure, Rule 4.

File the following documents according to Section IV "Filing a New Civil Case":

- Civil Cover Sheet (JS-44).
- Original, signed petition/complaint and one copy for each defendant listed on the complaint.
- One original, signed summonses for each defendant named on the complaint.

- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court's website at <http://www.flsd.uscourts.gov>).

Two copies of the summonses will be returned to the plaintiff together with the copies of the complaint to be served.

5B. Complaint Against the Secretary of the State of Florida

Such suit or action should be brought in the district where the action arose or where the defendant is located. If the *defendant* is not within this district, the venue is the location where the *plaintiff* is located. For additional information, refer to the Federal Rules of Civil Procedure, Rules 4 and 5.

File the following documents according to Section IV "Filing a New Civil Case":

- Civil Cover Sheet (JS-44).
- Original, signed petition/complaint and one copy for each defendant listed on the complaint.
- One original, signed summons for each defendant named on the complaint.
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court's website at <http://www.flsd.uscourts.gov>).

Two copies of the summonses will be returned to the plaintiff together with the copies of the complaint to be served.

5C. Complaint - Amended

An amended complaint is filed to change a previously-filed complaint. Pursuant to Federal Rule of Civil Procedure 15(a)(1), a party may amend its complaint **once** without the permission of the Court within 21 days after serving the complaint - *or* - within 21 days after service of an answer or other responsive motion filed pursuant to Federal Rules of Civil Procedure 12(b), (e) or (f). If these conditions apply, an amended complaint may be filed. The filer must also file a summons for each defendant named in the amended complaint *including* all defendants named in the original complaint.

In all other cases, a plaintiff may amend its complaint only with the written consent of the opposing party(s) *or* upon leave of the Court (permission from the Court). Pursuant to Section 3I(1) of the CM/ECF Administrative Procedures, if leave of the Court is sought, the plaintiff must file:

- Motion for Leave to File an Amended Complaint.
- Proposed amended complaint.
- Proposed Order on the Motion for Leave to File.

Note: Summonses will not be issued until the Motion for Leave to File is granted and the amended complaint has subsequently been filed separately. Pursuant to Local Rule 15.1, any amendment to a pleading (i.e. amended complaint), except by leave of the Court must reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference. When a motion to amend is granted, the amended pleading must be filed separately.

5D. Complaint Under The Civil Rights Act, U.S. Code 42, Section 1983

[See Attachment I](#) for instructions and complaint form related to filing a Complaint Under The Civil Rights Act.

5E. Motion to Enforce - Quash Deposition Subpoena from Another District

A Motion to Enforce/Quash a Deposition Subpoena is only filed as a new case when the subpoena is being issued from a Federal Court *outside* the district on a party residing *inside* the district (there is no existing case number). **Note:** *The place of taking the deposition and person being deposed must be in the Southern District of Florida.* For additional information, refer to the Federal Rules of Civil Procedure, Rule 45.

File the following documents according to Section IV “Filing a New Civil Case”:

- Civil Cover Sheet (JS44).
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court’s website at <http://www.flsd.uscourts.gov>).

In addition, file the original Motion to Enforce/Quash Deposition Subpoena from the other district with a copy of the subpoena attached

5F. Motion/Petition for Return of Seized Property

A Motion/Petition for Return of Seized Property is filed to request authorization for the filing party to recover goods or chattels that have been wrongfully taken or detained. Any such suit or action should be brought in the district where the action arose or where the defendant is located. If the *defendant* is not within this district, the venue is the location where the *plaintiff* is located. For additional information, refer to U.S Code Title 28 - Section 2465.

File the following documents according to Section IV “Filing a New Civil Case”:

- Civil Cover Sheet (JS-44).
- Original, signed motion/petition for each defendant listed on the complaint.
- One original, signed summons for each defendant named on the complaint.
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court’s website at <http://www.flsd.uscourts.gov>).

5G. Registration of a Judgment from Another District

The Judicial Improvements Act of 1988, as amended, permits judgments for money or property to be registered for immediate execution in another district. Effective February 17, 1989, judgments may be registered at any time, even when an appeal is pending, when ordered by the Court that entered the judgment for good cause shown.

File the following documents according to Section IV “Filing a New Civil Case”:

- Civil Cover Sheet (JS-44).
- Filing fee (For information about fees, see the Court’s website at <http://www.flsd.uscourts.gov>).

In addition, file the original Certification of Judgment for Registration in Another District (form AO451), or a certified copy of the Order allowing the Judgment to be registered elsewhere. A certified copy will be returned to the filing party (without cost) to be recorded in the appropriate County Recorder’s Office.

5H. Removal of a Case from State Court

This action involves the transfer of a case by the defendant from a State Court to a U.S. District Court. The removal is generally carried out after an action was commenced in State Court, but not finally determined. For additional information, refer to U.S. Code Title 28, Section 1441-1444; and U.S. Code Title 28, Section 1446.

As a matter of law, the location in which cases are removed to the United States District Court for the Southern District of Florida is fixed to the division (Miami, Fort Lauderdale, West Palm Beach, Ft. Pierce, or Key West) in the district which embraces the county where such action is pending in State Court. Note that Highlands, Indian River, Martin, Okeechobee, and St. Lucie County actions and proceedings shall be removed to Ft. Pierce pursuant to Local Rule 3.1. Such

matters may not be removed to a division outside the county where the matter is pending in State Court.

File the following documents according to Section IV “Filing a New Civil Case”:

- Civil Cover Sheet (JS-44).
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court’s website at <http://www.flsd.uscourts.gov>).

In addition, file an original Notice of Removal with the State Court documents attached.

Section 6 - ADMIRALTY and MARITIME CLAIMS

6A. Limitation of Liability / Complaint for Exoneration

This action involves a complaint filed by a ship owner for the purpose of restricting his/her liability to certain parties to whatever value the ship has after an event such as a sinking or collision. Exoneration involves the finding of no liability for the ship owner. Any such suit or action should be brought in the district where the action arose or where the defendant is located. If the *defendant* is not located in this district, the venue is the location where the *plaintiff* is located. For additional information, refer to the Federal Rules of Civil Procedure, Supplemental Rule F for Admiralty and Maritime Claims, and Local Admiralty and Maritime Rule F.

File the following documents according to Section IV “Filing a New Civil Case”:

- Civil Cover Sheet (JS-44).
- Original, signed petition/complaint.
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court’s website at <http://www.flsd.uscourts.gov>).

In addition, the following documents are also required:

- Original, signed Affidavit of the Value of the Vessel (may be incorporated within the complaint or filed separately).
- Original, signed Affidavit of No Pending Freight (may be incorporated within the complaint or filed separately).
- Original Notice of Filing Bond for the value of the vessel (cash or surety).
- Original, signed Notice of Filing of all Claims.
- Monition.

- Original, signed Proposed Notice of Publication (Local Rule 5.2).

The Court will issue the Monition and Injunction establishing the period of time for claimants to file their respective claims. After the Monition is signed by the Judge, the Clerk's will issue the Notice of Publication. Unless otherwise Ordered, the Clerk's Office will telephone the filing party when the Notice of Publication has been issued. It is the responsibility of the filing party to effect publication of the notice in accordance to the Rules.

6B. In Personam Actions: Process of Attachment and Garnishment

Process of Attachment and Garnishment in Personam involves the process of seizing and holding the money or property of a person who is allegedly in debt to another person or entity prior to receiving a judgment. For additional information, refer to the Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime Claims, Rule B; and Local Admiralty Rule B.

File the following documents according to Section IV "Filing a New Civil Case":

- Civil Cover Sheet (JS-44).
- Original, signed petition/complaint and one copy for each defendant listed on the complaint (complaint must be *verified*).
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs (For information about fees, see the Court's website at <http://www.flsd.uscourts.gov>).

In addition, file:

- Original, signed affidavit stating that the defendant cannot be found in the district (Alternatively, the affidavit statement may be included in the body of the complaint)
- Motion and Proposed Order to Issue the Process for Attachment and Garnishment
- Process for Attachment and Garnishment
- If the attachment and garnishment are to be issued under state law, a bond is also required (See Florida Statue 76)

After the Order is signed, the Clerk's Office will certify (sign, date, and seal) the Process for Attachment and Garnishment, and return two issued Writs to the filing party.

Note: Judicial Review is required prior to issuance of the process of attachment and garnishment unless certification of exigent circumstances is filed (See Local Admiralty Rule B(3)(b)).

6C. Actions in Rem

An Action in Rem involves the arrest of a vessel or other property. Any such suit or action should be brought in the district where the action arose or where the defendant is located. If the *defendant* is not located in this district, the venue is the location where the *plaintiff* is located. For additional information, refer to the Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime Claims, Rule C; and Local Admiralty and Maritime Rule C.

File the following documents according to Section IV “Filing a New Civil Case”:

- Civil Cover Sheet (JS-44).
- Original, signed petition/complaint (complaint must be *verified*).
- Filing fee or an Application to Proceed Without Prepaying Fees or Costs.
- *If* the matter is filed as a Seamen Action under 28 U.S.C. §1916, a filing fee is *not* required when the matter is initially filed but the filing party is responsible to pay the filing fee upon termination of the case (For information about fees, see the Court’s website at <http://www.flsd.uscourts.gov>).

If a Warrant of Arrest in Rem is to be issued at the time the petition/complaint is filed, the following documents must also be filed:

- Motion for Appointment of Substitute Custodian.
- Motion and Proposed Order Directing the Clerk to Issue a Warrant of Arrest and/or Summons.
- Warrant of Arrest in Rem.

When the Order has been signed and the Warrant of Arrest in Rem has been issued, the Clerk’s Office will telephone the filing party to make arrangements for the warrant to be picked up.

Note: Judicial Review is required prior to issuance of the Warrant of Arrest in Rem unless written certification of exigent circumstances is filed (See Local Admiralty Rule C (2)(b)).

6D. Release of Property/Writ of Restitution

A Writ of Restitution is the instrument used to the release of a vessel, cargo, or other property. For additional information, refer to the Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime Claims, Rule E (5), and Local Rules, Admiralty and Maritime Rule E(8).

For a Cause Pending (Pending Case), file the following documents:

- Original, signed Claim of Owner.

- Stipulation/Consent - or - a Motion and Proposed Order for the Release of the Vessel.
- Release Bond (cash or surety) [A special bond, either stipulated to or fixed by the court, is used for a claim already filed. The bond will be conditioned upon the payment of the principal sum and the interest thereon at 6% per annum. A general bond may be filed to stay future actions and must be at least double the aggregate amount claimed. If a special bond or stipulation is given in a particular case, the liability on the general bond or stipulation shall cease as to that case.]
- Original U.S. Marshals Cost or Release Form Notice (indicating all costs have been paid).
- Note: There is no filing fee.

For a Case Terminated (Closed Case), file the following documents:

- Original, signed Claim of Owner.
- Original U.S. Marshals Cost or Release Form Notice (indicating all costs have been paid).
- Order for the Release of the Vessel.

Section 7 - WRITS OF GARNISHMENT AND EXECUTION

7A. Writ of Execution

A Writ of Execution is an order directing an officer of the Court to seize property from a debtor to satisfy a judgment. While procedures are governed by the state in which the court is located, a federal statute governs to the extent it applies. For additional information, refer to Federal Rules of Civil Procedure 62 and 69.

File the following documents:

- Original, signed Writ of Execution indicating the amount of the judgment and naming the party that the judgment is against (Form is available at <http://www.flsd.uscourts.gov>).
- Original, signed Motion for Appointment of a Process Server must be filed if service is to be provided by a Process Server (Form is available at <http://www.flsd.uscourts.gov>).
- Note: There is no filing fee.

Pursuant to Federal Rules of Civil Procedure 62 and 69, the Clerk's Office will verify the following information:

- The judgment is final (*i.e.*, that 14 days have passed from the date the judgment was entered on the docket).
- If the judgment is on appeal *and* bond has not been posted, that 30 days have passed since the date the judgment was entered on the docket (if 30 days have not passed since the judgment was entered, the writ cannot be issued).

- A supersedeas bond has *not* been posted.
- There is *no* pending motion that would preclude the issuance of the writ (i.e. motion for judgment as a matter of law; motion to amend or for additional findings; motion for a new trial or to alter/amend judgment; or a motion for relief from a judgment/order).
- The amount stated in the motion and in the writ does not exceed the amount of the judgment.

After the above information is verified, the Clerk's Office will certify (sign, date, and seal) and return two issued writs to the filing party.

Note: If the above information cannot be verified, the writ may only be issued pursuant to order of the Court.

7B. Writ of Garnishment (Post-Judgment)

A Writ of Garnishment is a process for seizing property, money, or credits for the purpose of securing satisfaction of a judgment. While procedures are governed by the state in which the court is located, a federal statute governs to the extent it applies. Under Florida law, post-judgment Writs of Garnishment can be issued only after the judgment creditor files a motion. For additional information, refer to the Federal Rules of Civil Procedure, Rules 62, 64, 69 and Florida Statutes 77.03, 77.04, and 77.28.

File the following documents:

- Original, signed, Motion to Issue Writ of Garnishment stating the amount of the judgment.
- Proposed Writ of Garnishment.
- Notice to Defendant (attached to writ *if* the defendant is an individual).
- Original, signed Motion for Appointment of a Process Server must also be filed if service is to be provided by a Process Server (Form is available at www.flsd.uscourts.gov).
- Pursuant to Administrative Order 2014-86, Local Rule 67.1(c), and Florida Statute 77.28, the filing party shall no longer pay \$100 into the Court registry and instead shall make that payment directly to the garnishee upon demand. Note: There is no filing fee.

Pursuant to Federal Rules of Civil Procedure 62, 64 and 69 the Clerk's Office will verify the following information:

- The judgment is final (*i.e.*, that 14 days have passed from the date the judgment was entered on the docket).
- If the judgment is on appeal *and* bond has not been posted, that 30 days have passed since the date the judgment was entered on the docket (if 30 days have not passed since the judgment was entered, the writ cannot be issued).

- A supersedeas bond has *not* been posted.
- There is *no* pending motion that would preclude the issuance of the writ (i.e. motion for judgment as a matter of law; motion to amend or for additional findings; motion for a new trial or to alter/amend judgment; or a motion for relief from a judgment/order).
- The amount stated in the motion and in the writ does not exceed the amount of the judgment.

After the above information is verified, the Clerk's Office will certify (sign, date, and seal) and return two issued writs to the filing party.

Note: If the above information cannot be verified, the writ may only be issued pursuant to order of the Court. In addition, pre-judgment writs and continuing writs may only be issued pursuant to an order of the Court.

7C. Writs of Execution and Writ Garnishment Filed Under FDCPA

Writs of Execution and Writs of Garnishment filed under the Federal Debt Collections Practice Act (FDCPA) are governed by Title 28, U. S. Code, Sections 3001-3308. The Federal Rules of Civil Procedure also apply to such Writs.

File the following documents:

- Original, signed, Application for Writ of Execution (See U.S. Code Title 28, Section 3203) - *or* - original, signed, Application for Writ of Garnishment/Post-Judgment (See U.S. Code Title 28, Section 3205).
- Original, signed, Motion for Appointment of Process Server must be filed if service is to be provided by a process server.
- Note: There is no filing fee.

Pursuant to Federal Rules of Civil Procedure 62, 64 and 69, the Clerk's Office will verify the following information:

- The judgment is final (*i.e.*, that 14 days have passed from the date the judgment was entered on the docket).
- If the judgment is on appeal *and* bond has not been posted, that 30 days have passed since the date the judgment was entered on the docket (if 30 days have not passed since the judgment was entered, the writ cannot be issued).
- A supersedeas bond has *not* been posted.

- There is *no* pending motion that would preclude the issuance of the writ (i.e. motion for judgment as a matter of law; motion to amend or for additional findings; motion for a new trial or to alter/amend judgment; or a motion for relief from a judgment/order).
- The amount stated in the motion and in the writ does not exceed the amount of the judgment.

After the above information is verified, the Clerk's Office will certify (sign, date, and seal) and return two issued writs to the filing party.

Note: If the above information cannot be verified, the writ may only be issued pursuant to order of the Court. In addition, pre-judgment writs filed under FDCPA may only be issued pursuant to an order of the Court.

Section 8 - APPEALS TO THE UNITED STATES COURT OF APPEALS

The United States District Court System is comprised of 94 judicial districts, which are divided into 12 regional circuits. Each circuit has a United States Court of Appeals which hears appeals from all the District Courts located within its circuit as well as appeals from federal administrative agencies. The Southern District of Florida is part of the Eleventh Circuit, which has jurisdiction over federal cases originating in the states of Alabama, Florida and Georgia.

Attorneys who are authorized to file electronically via CM/ECF must file a Notice of Appeal via CM/ECF and pay the filing fee via CM/ECF using "Pay.gov". Pro se filers must file the Notice of Appeal conventionally and pay the filing fee via check payable to the "Clerk, United States Court". See Section 2L for conditions for fees paid by check. Note: a filing fee is not required if the party was permitted to proceed without prepaying fees or costs (*in forma pauperis*) in the Southern District of Florida. (For information about fees, see the Court's website at <http://www.flsd.uscourts.gov>)

Upon the conclusion of an appeal, the Eleventh Circuit Court of Appeals will enter a written opinion and forward a copy of the opinion to the District Judge. If any party to the appeal does not agree with the opinion entered, that party will have thirty (30) days from the date of the opinion to petition the Eleventh Circuit Court of Appeals for a re-hearing. If the petition for re-hearing is granted, the Eleventh Circuit Court of Appeals will take the matter under review.

Section 9 - ATTORNEY INFORMATION

9A. Admission

Pursuant to Local Rule 1 of the Southern District of Florida Special Rules Governing the Admission and Practice of Attorneys, an attorney is qualified for admission to the bar of this District if the attorney is currently a member in good standing of The Florida Bar and pays the admission fee. See the Court's website (<http://www.flsd.uscourts.gov>) for information about the application process.

9B: Volunteer Attorneys (Pro Bono)

If you are a pro se litigant and seek the assistance of an attorney, you may request to participate in the Court's volunteer attorney program by submitting a request directed to the Judge in your case. There is no entitlement to the appointment of counsel. The Court in its discretion may direct that your case be placed on a list of available cases for consideration by volunteer attorneys. For additional information, please refer to Attorney Resources \ Volunteer Opportunities and Pro Bono Assistance on the Court's website at <http://www.flsd.uscourts.gov>.

9C. Pro Hac Vice Appearance

An attorney who is not a member of the Southern District of Florida Bar may move the Court to appear *pro hac vice* (meaning "in a particular case only"). Motions to Appear *Pro Hac Vice* must be filed electronically in the CM/ECF system, by a member of the bar of this Court, in **each** case in which the attorney is requesting to appear. A filing fee, payable to the "Clerk, United States Courts", is required for each attorney in each case. (For information about fees, see the Court's website at <http://www.flsd.uscourts.gov>) For additional information, refer to Local Rule 4, Section 2 of the CM/ECF Administrative Procedures, and the [Court's website](#). The Motion to Appear Pro Hac Vice form can be found on the Court's Website at <http://www.flsd.uscourts.gov>.

If granted, *pro hac vice* appearance does not constitute formal admission to the bar of this Court. Attorneys permitted to appear *pro hac vice* will not be permitted to file electronically in CM/ECF, but will be able to electronically receive Notices of Electronic Filings (NEF).

Note: A Notice of Appearance is not a Motion to Appear *Pro Hac Vice* and does not require a filing fee.

9D. Government Attorneys

A government attorney is any full-time U.S. Attorney, Assistant U.S. Attorney, Federal Public Defender or Assistant Federal Public Defender employed full time by and representing the United States government, or any agency thereof, and any Attorney General and Assistant Attorney General of the State of Florida.

Government attorneys may appear and participate in actions or proceedings on behalf of the attorney's employer in the attorney's official capacity without petition for admission to the Southern District of Florida Bar; however, government attorneys are required to register for CM/ECF. For additional information, refer to the Court's website [\[http://www.flsd.uscourts.gov\]](http://www.flsd.uscourts.gov) and Section 3 of the CM/ECF Administrative Procedures.

Section 10 - MEDIATION

Local Rule 16.2 D implemented Court-annexed mediation in this district and defined the types of cases subject to mediation and the procedures for referring a case to mediation. Mediation is a supervised settlement conference presided over by a mediator to promote conciliation, compromise and the ultimate settlement of a civil action prior to trial.

The Clerk of Court maintains a list of certified mediators from which a mediator is randomly selected when the parties to a case cannot agree on a mediator and request that the Clerk of Court appoint one. A list of certified mediators is available on the Court's website (<http://www.flsd.uscourts.gov>) and at the Intake Section at any of the Clerk's Offices.

Persons interested in becoming a certified mediator in this district should refer to the Court's website to review the Qualifications of Certified Mediators prescribed in the Local Rule 16.2(b)(3). Additional instructions and the application form is available on the Court's website. Applications are reviewed by an *Ad Hoc* Committee on Mediation. The Committee makes recommendations to the Chief Judge of the Southern District of Florida whether applicants should be added to the certified list of mediators.

Attachment A – Sample Document

(1" from top of page, and centered, begin title of Court)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. _____ -CV- _____
(Judge’s Last Name/Magistrate’s Last
Name)

(Full Name of Plaintiff/s),

Plaintiff (s)

vs.

(Full Name of Defendant/s),

Defendant(s).

_____ /

TITLE OF DOCUMENT

I, _____ [plaintiff or defendant], in the above styled
cause, _____

Dated: Month, day, year

Respectfully submitted,

Name of Filer

Attorney Bar Number (if applicable)

Attorney E-mail Address (if applicable)

Firm Name *(if applicable)*

Street Address

City, State, Zip Code

Telephone: _____

Facsimile: _____

Attorneys for Plaintiff/Defendant *[Party name(s)] (if applicable)*

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by

_____ [specify method of service] on _____ [date]

on all counsel or parties of record on the Service List below.

Signature of Filer

SERVICE LIST

Party or Attorney Name

Party or Attorney Name

Attorney E-mail Address *(if applicable)*

Attorney E-mail Address *(if applicable)*

Firm Name *(if applicable)*

Firm Name *(if applicable)*

Street Address

Street Address

City, State, Zip Code

City, State, Zip Code

Telephone: _____

Telephone: _____

Facsimile: _____

Facsimile: _____

Attorneys for Plaintiff/Defendant
[Party's Name(s)] (if applicable)

Attorneys for Plaintiff/Defendant
[Party's Name(s)] (if applicable)

Attachment B – Certification of Emergency

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

Case No. _____ CV/CR _____
(Judge's Last Name/Magistrate's Last Name)

_____/ Plaintiff(s)
(Full Name of Plaintiff/s)

v.

_____/ Defendant(s)
(Full Name of Defendant/s)

CERTIFICATION OF EMERGENCY

I hereby certify that, as a member of the Bar of this Court, I have carefully examined this matter and it is a true emergency.

I further certify that the necessity for this emergency hearing has not been caused by a lack of due diligence on my part, but has been brought about only by the circumstances of this case. The issues presented by this matter have not been submitted to the Judge assigned to this case or any other Judge or Magistrate Judge of the Southern District of Florida prior hereto.

I further certify that I have made a bona fide effort to resolve this matter without the necessity of emergency action.

Dated this _____ day of _____, 20_____.

Signature: _____

Printed Name: _____

Florida Bar Number: _____

Telephone Number: _____

=====

FOR CLERK'S OFFICE USE ONLY

I hereby certify that the Judge assigned to this case is unavailable for this emergency. (A copy of notification to the Clerk is on file). In accordance with the Court's Internal Operating Procedures, the matter has been assigned to the Honorable _____ through a blind random assignment process. The assignment of this emergency matter shall be of temporary duration, limited only to the immediate relief sought and the case for all other purposes or proceedings shall remain on the docket of the Judge to whom it was originally assigned.

[If Applicable] I hereby certify that the above Judge randomly assigned to this emergency is unavailable. (A copy of notification to the Clerk is on file). Therefore, in accordance with the Court's Internal Operating Procedures, the Honorable _____ has subsequently been assigned to the matter through a blind random assignment procedure. The assignment of this emergency matter shall be of temporary duration, limited only to the immediate relief sought and the case for all other purposes or proceedings shall remain on the docket of the Judge to whom it was originally assigned.

Dated this _____ day of _____, 20_____.

ANGELA E. NOBLE
Court Administrator · Clerk of Court
By: _____, Deputy Clerk

Attachment C - Complaint

(1" from top of page, and centered, begin title of Court)

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

Case No. _____ – Civ (Judge’s Last Name/Magistrate’s Last Name)

(Full Name of Plaintiff/s) ,

Plaintiff (s)

vs.

(Full Name of Defendant/s),

Defendant(s).

_____ /

COMPLAINT

I, _____, plaintiff, in the above styled cause, sue defendant(s): _____

This action is filed under (indicate under which federal law or section of the U.S. Constitution this action is being filed): _____

Dated: Month, day, year

Respectfully submitted,

Name of Filer
Attorney Bar Number (if applicable)
Attorney E-mail Address (if applicable)
Firm Name (if applicable)
Street Address
City, State, Zip Code
Telephone: (xxx)xxx-xxxx
Facsimile: (xxx)xxx-xxxx
Attorneys for Plaintiff/Defendant [Party Name(s)]
(if applicable)

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by [specify method of service] on [date] on all counsel or parties of record on the Service List below.

Signature of Filer

SERVICE LIST

Party or Attorney Name
Attorney E-mail Address (if applicable)
Firm Name (if applicable)
Street Address
City, State, Zip Code
Telephone: (xxx)xxx-xxxx
Facsimile: (xxx)xxx-xxxx
Attorneys for Plaintiff/Defendant
[Party's Name(s)] (if applicable)

Party or Attorney Name
Attorney E-mail Address (if applicable)
Firm Name (if applicable)
Street Address
City, State, Zip Code
Telephone: (xxx)xxx-xxxx
Facsimile: (xxx)xxx-xxxx
Attorneys for Plaintiff/Defendant
[Party's Name(s)] (if applicable)

Attachment D - Civil Cover Sheet (JS44)

CIVIL COVER SHEET

JS 44 (Rev. 06/17)

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.)

| | |
|---|---|
| <p>I. (a) PLAINTIFFS</p> <p>(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number)</p> | <p style="text-align: center;">DEFENDANTS</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p> |
|---|---|

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|----------------------------|---|----------------------------|----------------------------|------------|------------|-----------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|--------------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|---|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| <p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p> | <p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 40%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table> | | 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 |
| | 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 | <p>PERSONAL INJURY</p> <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 | <p>PERSONAL INJURY</p> <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 <p>PERSONAL PROPERTY</p> <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 | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <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 | | |
| <p style="text-align: center;">REAL PROPERTY</p> <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 | <p style="text-align: center;">CIVIL RIGHTS</p> <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 | <p style="text-align: center;">PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <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 <p>Other:</p> <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 | <p style="text-align: center;">LABOR</p> <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 | <p style="text-align: center;">PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark | <p style="text-align: center;">SOCIAL SECURITY</p> <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)) | <p style="text-align: center;">FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <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 |

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 _____

Attachment D – Civil Cover Sheet (JS44)

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.

Attachment E – Cause of Action Codes

Cause of Action Codes

Note: Below are the 2010 Cause of Action Codes from the Administrative Office of the U.S. Courts.
Also, see the local Cause of Action Codes at the end of this document.

| Code | Description |
|-----------|---|
| 0 | No cause code entered |
| 02:0431 | 02:431 Fed. Election Commission: Failure Enforce Compliance |
| 02:0437 | 02:437 Federal Election Commission |
| 05:0075 | 05:75(2) Contract - Reduction in Grade |
| 05:0551 | 05:551 Administrative Procedure Act |
| 05:0552fi | 05:552 Freedom of Information Act |
| 05:0552pa | 05:552 Right to Privacy Act |
| 05:0554 | 05:0554 Constitutionality of Maritime Statutes |
| 05:0701 | 05:0701 Maritime Subsidy Board |
| 05:0702 | 05:702 Administrative Procedure Act |
| 05:0704 | 05:704 Labor Litigation |
| 05:7703 | 05:7703 Discrimination - Review of Agency Act |
| 07:0006 | 7:6(b) Federal Commodity Exchange Regulation |
| 07:0025 | 7:25 Fraud - Commodities Leverage Contracts |
| 07:0181 | 07:181 Packers & Stockyard Act |
| 07:0499 | 07:499 Agricultural Commodities Act |
| 07:0601 | 07:601 USDA Condemnation |
| 07:2321 | 07:2321 Plant Variety Protection Act |
| 08:1105 | 8:1105(a) Aliens: Habeas Corpus to Release INS Detainee |
| 08:1252 | 08:1252(a)(2) Injunction for Deportation |
| 08:1260 | 08:1260 Aliens: Access to Records |
| 08:1324 | 08:1324 Aliens: Complaint for Forfeiture |
| 08:1329 | 08:1329 Writ of Mandamus to Adjudicate Visa Petition |
| 08:1446 | 8:1446 Petition for Naturalization Hearing |
| 09:0001 | 09:1 U.S. Arbitration Act |
| 09:0009 | 9:9 Motion to Confirm Arbitration Loan |
| 09:0010 | 09:0010 Petition to Vacate Arbitration Award |
| 10:1552 | 10:1552 Armed Forces: Action to Correct Records |
| 10:1553 | 10:1553 Armed Forces: FOIA General |
| 10:2305 | 10:2305 Review of Federal Contract |
| 11:0101 | 11:101 Bankruptcy |
| 12:0022 | 12:22 Securities Fraud |
| 12:0635 | 12:635 Breach of Insurance Contract |
| 12:1461 | 12:1461 Homeowners Loan Act |
| 12:1703 | 12:1703 Default of HUD Loan |

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| 12:1725 | 12:1725 Collection under Contract Guaranty |
| 12:1730 | 12:1730 Collection under Contract Guaranty |
| 12:1819 | 12:1819 Default of Promissory Note |
| 12:1821 | 12:1821 Default of Loan by Promissory Note |
| 12:1971 | 12:1971 Relief under Bank Holding Act |
| 12:3410 | 12:3410 Right to Financial Privacy Act |
| 15:0001 | 15:1 Antitrust Litigation |
| 15:0002at | 15:2 Antitrust Litigation |
| 15:0002fl | 15:2(a) Fair Labor Standards Act |
| 15:0005 | 15:5(a) Fair Labor Standards Act |
| 15:0015 | 15:15 Antitrust Litigation |
| 15:0025 | 15:25 Clayton Act |
| 15:0044 | 15:44 Trademark Infringement |
| 15:0045 | 15:0045 Federal Trade Commission Act |
| 15:0052 | 15:0052 Federal Trade Commission Act |
| 15:0053 | 15:0053 Federal Trade Commission Act |
| 15:0077 | 15:77 Securities Fraud |
| 15:0078 | 15:78m(a) Securities Exchange Act |
| 15:0631 | 15:631 Small Business Act |
| 15:0717 | 15:717 Natural Gas Act |
| 15:1051 | 15:1051 Trademark Infringement |
| 15:1114 | 15:1114 Trademark Infringement |
| 15:1121 | 15:1121 Trademark Infringement |
| 15:1125 | 15:1125 Trademark Infringement (Lanham Act) |
| 15:1126 | 15:1126 Patent Infringement |
| 15:1127 | 15:1127 Trademark Infringement |
| 15:1601 | 15:1601 Truth in Lending |
| 15:1640 | 15:1640 Truth in Lending |
| 15:1681 | 15:1681 Fair Credit Reporting Act |
| 15:1692 | 15:1692 Fair Debt Collection Act |
| 15:1938 | 15:1938 Fair Labor Standards Act |
| 15:1981 | 15:1981 Fraud-Motor Vehicle (Odometer) |
| 15:1988 | 15:1988 Fraud-Motor Vehicle (Odometer) |
| 15:1989 | 15:1989 Fraud-Motor Vehicle (Odometer) |
| 15:2301 | 15:2301 Magnuson-Moss Warranty Act |
| 15:2801 | 15:2801 Petroleum Marketing Practices Act |
| 15:53(b) | 15:53(b) - Prelim & Perm Inj Relief & other Equitable Relief |
| 16:0668 | 16:668 Bald Eagle Protection Act |
| 16:0703 | 16:703 Migratory Bird Act |
| 16:1538 | 16:1538 Endangered Species Act |
| 16:3371 | 16:3371 Wildlife under the Lacey Act |

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| 16:3372 | 16:3372 Conservation: Complaint for Forfeiture |
| 16:3373 | 16:3373 Appeal of Decision - DOI |
| 16:3374 | 16:3374 Conservation: Complaint for Forfeiture |
| 17:0101 | 17:101 Copyright Infringement |
| 17:0501 | 17:501 Copyright Infringement |
| 17:0504 | 17:504 Copyright Infringement |
| 18:0241 | 18:241 Conspiracy Against Citizen Rights |
| 18:1961 | 18:1961 Racketeering (RICO) Act |
| 18:1962 | 18:1962 Racketeering (RICO) Act |
| 18:1964 | 18:1964 Racketeering (RICO) Act |
| 18:4208 | 18:4208(B) Agency Action Review |
| 19:1305 | 19:1305 Custom Duties: Forfeiture-Immoral Articles |
| 20:1080 | 20:1080 Student Loan Recovery |
| 20:1400 | 20:1400 Civil Rights of Handicapped Child |
| 20:1401 | 20:1401 Education: Handicapped Child Act |
| 21:0841 | 21:841 Forfeiture Property-Drugs |
| 21:0881 | 21:881 Forfeiture Property-Drugs |
| 21:0881a | 21:881 Forfeiture Property - Aircraft |
| 21:0881re | 21:881 Forfeiture Property - Real Estate |
| 23:0134 | 23:134 P.I.- Auto Negligence |
| 23:1441 | 23:1441 Contract Real Estate |
| 24:1000 | 24:1000 Hospitals & Asylums: Withdrawal Liability |
| 25:0640 | 25:640 Indian Tribal Rights |
| 25:1901 | 25:1901 Indian Child Welfare Act |
| 26:6212 | 26:6212 Injunctive Relief from IRS Lien |
| 26:6213 | 26:6213 Injunctive Relief from IRS Lien |
| 26:6502 | 26:6502 IRS: Enforcement of tax liens |
| 26:6532 | 26:6532 IRS: Refund of Tax Penalty |
| 26:6702 | 26:6702 IRS: Refund of Income Tax Penalty |
| 26:6703 | 26:6703 IRS: Refund of Tax Penalty |
| 26:7401 | 26:7401 IRS: Tax Liability |
| 26:7402 | 26:7402 IRS: Petition to Enforce IRS Summons |
| 26:7403 | 26:7403 Suit to Enforce Federal Tax Lien |
| 26:7422rt | 26:7422 IRS: Refund Taxes |
| 26:7422rx | 26:7422 IRS: Refund Excise Tax |
| 26:7426 | 26:7426 IRS: Wrongful Levy for Taxes |
| 26:7429 | 26:7429 IRS: Tax Jeopardy Assessment |
| 26:7609 | 26:7609 IRS: Petition to Quash IRS Summons |
| 27:0185 | 27:185 Enforcement of Arbitration Award |
| 28:0157c | 28:0157(c)(1) Findings, Concl. & Proposed Judgment |
| 28:0157d | 28:0157 Motion for Withdrawal of Reference |

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| 28:0158 | 28:0158 Notice of Appeal re Bankruptcy Matter (BAP) |
| 28:0185 | 28:185 Suit to Compel Arbitration |
| 28:0451 | 28:451 Employment Discrimination |
| 28:0794 | 28:794 Rehabilitation Act |
| 28:1001 | 28:1001 E.R.I.S.A. |
| 28:1132 | 28:1132 E.R.I.S.A. |
| 28:1330 | 28:1330 Breach of Contract |
| 28:1331 | 28:1331 Fed. Question |
| 28:1331al | 28:1331 Fed. Question: Airline Crash |
| 28:1331at | 28:1331 Fed. Question: Anti-trust |
| 28:1331au | 28:1331 Fed. Question: Auto Negligence |
| 28:1331b | 28:1331 Federal Question: Bivens Act |
| 28:1331bc | 28:1331 Fed. Question: Breach of Contract |
| 28:1331ca | 28:1331 Fed Question: Fed Communications Act of 1934 |
| 28:1331cm | 28:1331 Fed. Question: Interstate Commerce Act |
| 28:1331cv | 28:1331 Federal Question: Other Civil Rights |
| 28:1331ed | 28:1331 Fed. Question: Employment Discrimination |
| 28:1331es | 28:1331 Enforcement of Administrative Subpoena |
| 28:1331fl | 28:1331 Fed. Question: Fair Labor Standards |
| 28:1331in | 28:1331 Fed. Question: Insurance Contract |
| 28:1331mm | 28:1331 Fed. Question: Medical Malpractice |
| 28:1331pi | 28:1331 Fed. Question: Personal Injury |
| 28:1331rd | 28:1331 Fed. Question: Review Agency Decision |
| 28:1331rp | 28:1331(a) Fed. Question: Real Property |
| 28:1331rr | 28:1331 Fed. Question: Railway Labor Act |
| 28:1331sv | 28:1331 Fed. Question: Securities Violation |
| 28:1331tr | 28:1331 Fed. Question: Trademark |
| 28:1331tt | 28:1331 Fed. Question: Tort Action |
| 28:1331v | 28:1331 Fed. Question: Violation 5th & 8th Amendment |
| 28:1331wl | 28:1331 Federal Question: EPA Waste Lien |
| 28:1331wt | 28:1331 Fed. Question: Water Rights |
| 28:1332ac | 28:1332 Diversity-Account Receivable |
| 28:1332al | 28:1332 Diversity-Airline Crash |
| 28:1332as | 28:1332 Diversity-Asbestos Litigation |
| 28:1332au | 28:1332 Diversity-Auto Negligence |
| 28:1332bc | 28:1332 Diversity-Breach of Contract |
| 28:1332co | 28:1332 Diversity-Conversion |
| 28:1332ct | 28:1332 Diversity-(Citizenship) |
| 28:1332det | 28:1332 Diversity: Forcible Detainer |
| 28:1332df | 28:1332 Diversity-Contract Default |
| 28:1332ds | 28:1332 Diversity-Contract Dispute |

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| 28:1332ed | 28:1332 Diversity-Employment Discrimination |
| 28:1332fd | 28:1332 Diversity-Breach of Fiduciary Duty |
| 28:1332fr | 28:1332 Diversity-Fraud |
| 28:1332ia | 28:1332 Diversity-Interpleader Action |
| 28:1332ij | 28:1332 Diversity-Injunctive & Declaratory Relief |
| 28:1332in | 28:1332 Diversity-Insurance Contract |
| 28:1332jd | 28:1332 Diversity-Declaratory Judgment |
| 28:1332lb | 28:1332 Diversity-Libel, Assault, Slander |
| 28:1332lm | 28:1332 Diversity - Legal Malpractice |
| 28:1332ma | 28:1332 Diversity-Miller Act |
| 28:1332mm | 28:1332 Diversity-Medical Malpractice |
| 28:1332mv | 28:1332 Diversity-Motor Vehicle Product Liability |
| 28:1332ni | 28:1332 Diversity-Negotiable Instrument |
| 28:1332nm | 28:1332 Diversity-Non-Motor Vehicle |
| 28:1332oc | 28:1332 Diversity-Other Contract |
| 28:1332pd | 28:1332 Diversity-Property Damage |
| 28:1332pi | 28:1332 Diversity-Personal Injury |
| 28:1332pl | 28:1332 Diversity-Product Liability |
| 28:1332pr | 28:1332 Diversity-Petition for Removal |
| 28:1332qt | 28:1332 Diversity-Petition to Quiet Title |
| 28:1332ri | 28:1332 Diversity-Racketeering (RICO) Act |
| 28:1332sa | 28:1332 - Diversity: Securities & Exchange Commission Act |
| 28:1332sf | 28:1332 - Diversity: Securities Fraud |
| 28:1332ss | 28:1332 Diversity - Stockholders Suits |
| 28:1332tl | 28:1332 Diversity-Torts to Land |
| 28:1332tm | 28:1332 Diversity-Tort/Motor Vehicle (P.I.) |
| 28:1332tn | 28:1332 Diversity-Tort/Non-Motor Vehicle |
| 28:1332wd | 28:1332 Diversity-Wrongful Death |
| 28:1333 | 28:1333 Admiralty |
| 28:1334 | 28:1334 Bankruptcy Appeal |
| 28:1334c | 28:1334(c) R&R re motions for abstention (non-core) |
| 28:1335 | 28:1335 Interpleader Action |
| 28:1337 | 28:1337 Sherman-Clayton Act |
| 28:1338cp | 28:1338 Copyright Infringement |
| 28:1338pt | 28:1338 Patent Infringement |
| 28:1338tr | 28:1338 Trademark Infringement |
| 28:1340 | 28:1340 IRS: Custom Duties |
| 28:1340er | 28:1340 Recovery of Erroneous Refund |
| 28:1341 | 28:1341 Complaint for Forfeiture |
| 28:1343 | 28:1343 Violation of Civil Rights |
| 28:1345co | 28:1345 Replevin & Conversion |

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| 28:1345db | 28:1345 Debt to US - FHA/HUD Title I |
| 28:1345df | 28:1345 Default of Promissory Note |
| 28:1345er | 28:1345 Recovery of Erroneous Refund |
| 28:1345fc | 28:1345 Foreclosure |
| 28:1345ff | 28:1345 Complaint for Forfeiture |
| 28:1345hl | 28:1345 VA Home Loan Guaranty Debt |
| 28:1345mc | 28:1345 Medical Care Recovery |
| 28:1345mi | 28:1345 Mining Claim Ejectment |
| 28:1345pd | 28:1345 Property Damage |
| 28:1345pe | 28:1345 Property Ejectment |
| 28:1345rc | 28:1345 Recovery of Debt to US |
| 28:1345st | 28:1345 Default of Student Loan |
| 28:1345tp | 28:1345 Trespass on Public Land |
| 28:1345va | 28:1345 Recovery of VA Overpayment |
| 28:1346bc | 28:1346 Breach of Contract |
| 28:1346rc | 28:1346 Recovery of IRS Tax |
| 28:1346tc | 28:1346 Tort Claim |
| 28:1346wd | 28:1346 Wrongful Death |
| 28:1352 | 28:1352 Miller Act |
| 28:1355 | 28:1355 Petition for Return of Property |
| 28:1358 | 28:1358 Land Condemnation |
| 28:1361 | 28:1361 Petition for Writ of Mandamus |
| 28:1362ic | 28:1362 Indian Tribal Controversy |
| 28:1362iw | 28:1362 Declaration re: Indian Tribal Water Rights |
| 28:1364 | 28:1364 Auto Negligence |
| 28:1391 | 28:1391 Personal Injury |
| 28:1402 | 28:1402 Medical Malpractice |
| 28:1407 | 28:1407 Airline Crash |
| 28:1441ac | 28:1441 Petition for Removal- Account Receivable |
| 28:1441al | 28:1441 Petition for Removal- Airline Crash |
| 28:1441as | 28:1441 Petition for Removal- Asbestos Litigation |
| 28:1441au | 28:1441 Petition for Removal- Auto Negligence |
| 28:1441bc | 28:1441 Petition for Removal- Breach of Contract |
| 28:1441cv | 28:1441 Petition for Removal- Civil Rights Act |
| 28:1441df | 28:1441 Petition for Removal- Contract Default |
| 28:1441dj | 28:1441 Petition for Removal- Declaratory Judgment |
| 28:1441ds | 28:1441 Petition for Removal- Contract Dispute |
| 28:1441ed | 28:1441 Petition for Removal - Employment Discrimination |
| 28:1441fc | 28:1441 Petition for Removal - Fair Credit Reporting Act |
| 28:1441fr | 28:1441 Petition for Removal- Fraud |
| 28:1441ij | 28:1441 Petition for Removal- Injunctive/Declaratory Relief |

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| 28:1441in | 28:1441 Petition for Removal- Insurance Contract |
| 28:1441int | 28:1441 Petition for Removal- Action for Interpleader |
| 28:1441lb | 28:1441 Petition for Removal Libel, Assault, Slander |
| 28:1441lm | 28:1441 Petition for Removal- Labor/Mgmt. Relations |
| 28:1441mm | 28:1441 Petition for Removal- Medical Malpractice |
| 28:1441ni | 28:1441 Petition for Removal- Negotiable Instrument |
| 28:1441nm | 28:1441 Petition for Removal- Non-Motor Vehicle |
| 28:1441oc | 28:1441 Petition For Removal--Other Contract |
| 28:1441pd | 28:1441 Petition for Removal- Property Damage |
| 28:1441pi | 28:1441 Petition for Removal- Personal Injury |
| 28:1441pl | 28:1441 Petition for Removal- Product Liability |
| 28:1441pr | 28:1441 Petition for Removal |
| 28:1441qt | 28:1441 Petition for Removal- Petition to Quiet Title |
| 28:1441ri | 28:1441 Petition for Removal- Racketeering (RICO) |
| 28:1441sa | 28:1441 - Petition for Removal: SEC Act |
| 28:1441sf | 28:1441 - Petition for Removal: Securities Fraud |
| 28:1441tl | 28:1441 Petition for Removal- Torts to Land |
| 28:1441tm | 28:1441 Petition for Removal- Tort/Motor Vehicle (P.I.) |
| 28:1441tn | 28:1441 Petition for Removal- Tort/Non-Motor Vehicle |
| 28:1441wd | 28:1441 Petition for Removal- Wrongful Death |
| 28:1442bc | 28:1442 Petition for Removal- Breach of Contract |
| 28:1442pr | 28:1442 Petition for Removal |
| 28:1443 | 28:1443(1) Rent, Lease & Ejectment |
| 28:1444 | 28:1444 Petition for Removal- Foreclosure |
| 28:1446in | 28:1446 Breach of Contract- Insurance |
| 28:1446pd | 28:1446 Petition for Removal- Property Damage (P.I.) |
| 28:1446pi | 28:1446 Petition for Removal- Personal Injury |
| 28:1446pl | 28:1446pl Petition for Removal - Product Liability |
| 28:1446pr | 28:1446 Petition for Removal |
| 28:1452 | 28:1452 R&R re motions to remand (non-core) |
| 28:1651 | 28:1651 Petition for Writ of Coram Nobis |
| 28:1651hc | 28:1651 Petition for Writ of Habeas Corpus |
| 28:1651mn | 28:1651 Petition for Writ of Mandamus |
| 28:1983 | 28:1983 Civil Rights |
| 28:2201 | 28:2201 Constitutionality of State Statute(s) |
| 28:2201dj | 28:2201 Declaratory Judgment |
| 28:2201ij | 28:2201 Injunction |
| 28:2201in | 28:2201 Declaratory Judgment (Insurance) |
| 28:2241 | 28:2241 Petition for Writ of Habeas Corpus (federal) |
| 28:2254 | 28:2254 Petition for Writ of Habeas Corpus (State) |
| 28:2254se | 28:2254 Ptn for Writ of H/C - Stay of Execution |

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| 28:2255 | 28:2255 Motion to Vacate / Correct Illegal Sentence |
| 28:2271 | 28:2271 Federal Tort Claims Act |
| 28:2345 | 28:2345 Medicare Recovery |
| 28:2409 | 28:2409(a) Quiet Title Action |
| 28:2410 | 28:2410 Quiet Title |
| 28:2671 | 28:2671 Federal Tort Claims Act |
| 28:2674 | 28:2674 Federal Tort Claims Act |
| 28:7402 | 28:7402 Refund of Taxes |
| 28:7422 | 28:7422 Appeal from Administrative Decision |
| 29:0151 | 29:151 Labor: Review of Agency Action |
| 29:0160 | 29:160(1) National Labor Relations Act |
| 29:0184 | 29:184 Violation Collection Bargain Agreement |
| 29:0185ep | 29:185 Employee Pension Plan |
| 29:0185lm | 29:185 Labor/Mgt. Relations (Contracts) |
| 29:0201do | 29:201 Denial of Overtime Compensation |
| 29:0201fl | 29:201 Fair Labor Standards Act |
| 29:0203 | 29:203 Equal Pay Act |
| 29:0206 | 29:206 Collect Unpaid Wages |
| 29:0401 | 29:0401 Labor Management Disclosure Act |
| 29:0621 | 29:621 Job Discrimination (Age) |
| 29:0623 | 29:623 Job Discrimination (Age) |
| 29:0626 | 29:626 Job Discrimination (Age) |
| 29:0633 | 29:633 Job Discrimination (Age) |
| 29:0651 | 29:651 Occupational Safety/Health |
| 29:0754 | 29:754 Discrimination |
| 29:0791 | 29:791 Job Discrimination (Rehabilitation Act) |
| 29:0794 | 29:0794 Job Discrimination (Handicap) |
| 29:1001 | 29:1001 E.R.I.S.A.: Employee Retirement |
| 29:1002 | 29:1002 E.R.I.S.A.: Employee Retirement |
| 29:1104 | 29:1104 Recovery of Benefits to Employee |
| 29:1109 | 29:1109 Breach of Fiduciary Duties |
| 29:1131 | 29:1131 E.R.I.S.A - Collection of Delinquent Trust Funds |
| 29:1132 | 29:1132 E.R.I.S.A.-Employee Benefits |
| 29:1145 | 29:1145 E.R.I.S.A. |
| 29:1149 | 29:1149 Recover Pension & Profit Sharing |
| 29:1337 | 29:1337 E.R.I.S.A. |
| 29:1362 | 29:1362 E.R.I.S.A. |
| 29:1381 | 29:1381 E.R.I.S.A. |
| 29:1401 | 29:1401(b)(2) Appeal of Arbitration Award |
| 29:1451 | 29:1451 E.R.I.S.A. |
| 29:1801 | 29:1801 Farmworker Rights |

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| 29:790 | 29:790 Rehabilitation of Labor |
| 30:0181 | 30:181 Environment: Review of Agency Action |
| 30:0801 | 30:0801 Penalties/Federal Mine Safety Health Act |
| 30:1201 | 30:1201 Environment: Review of Agency Action |
| 30:1202 | 30:1202 Mining Reclamation Act |
| 30:1276 | 30:1276 Interior: Review of Agency Action |
| 31:3545 | 31:3545 Action to Recovery Money |
| 31:3729 | 31:3729 False Claims Act |
| 31:3731 | 31:3731 Fraud |
| 33:1319cw | 33:1319 Clean Water Act |
| 33:1319pv | 33:1319 Pollutants & Permit Violations |
| 33:1365 | 33:1365 Environmental Matters |
| 35:0145 | 35:145 Patent Infringement |
| 35:0183 | 35:183 Patent Infringement |
| 35:0271 | 35:271 Patent Infringement |
| 38:1681 | 38:1681 Recovery of VA Overpayment |
| 38:1686 | 38:1686 Recovery of VA Overpayment |
| 38:1780 | 38:1780 Recovery of VA Overpayment |
| 38:2011 | 38:2011 - Veteran's Readjustment Assistance Act of 1974 |
| 38:3116 | 38:3116 VA Overpayment |
| 39:3005 | 39:3005 Detention of Mail for Temporary Periods |
| 39:409 | 9:409 Postal Service |
| 40:0258 | 40:258(a) Public Buildings & Property: Land Condemnation |
| 40:0270 | 40:270 Miller Act |
| 40:0875 | 40:875 Public Buildings & Property: Negligence |
| 41:0251 | 41:251 Public Contracts-Review of Agency Action |
| 41:1463 | 41:1463 Public Contracts: Unlawful Employment Practices |
| 42:0205 | 42:205 Denial Social Security Benefits |
| 42:0206 | 42:206 Social Security Benefits |
| 42:0247 | 42:247 Personal Injury-Swine Flu |
| 42:0402 | 42:402 Social Security Benefits |
| 42:0405id | 42:405 Review of HHS Decision (SSID) |
| 42:0405wc | 42:405 Review of HHS Decision (DIWC) |
| 42:0405ww | 42:405 Review of HHS Decision (DIWW) |
| 42:0416 | 42:416 Denial of Social Security Benefits |
| 42:0427 | 42:427 Social Security Benefits |
| 42:1383 | 42:1383 Review of HHS Decision |
| 42:1395 | 42:1395 HHS: Adverse Reimbursement Review |
| 42:1396 | 42:1396 Tort Negligence |
| 42:1471 | 42:1471 Declaratory & Injunctive Relief – Foreclosure Sale |
| 42:1981cv | 42:1981 Civil Rights |

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| 42:1981hs | 42:1981 Housing Discrimination |
| 42:1981jb | 42:1981 Job Discrimination (Race) |
| 42:1981sx | 42:1981 Sex Discrimination |
| 42:1983cv | 42:1983 Civil Rights Act |
| 42:1983ed | 42:1983 Civil Rights (Employment Discrimination) |
| 42:1983pr | 42:1983 Prisoner Civil Rights |
| 42:1986 | 42:1986 Neglect of Duty |
| 42:2000ag | 42:2000 Job Discrimination (Age) |
| 42:2000e | 42:2000e Job Discrimination (Employment) |
| 42:2000pb | 42:2000 Job Discrimination (Public Accommodations) |
| 42:2000ra | 42:2000 Job Discrimination (Race) |
| 42:2000sx | 42:2000 Job Discrimination (Sex) |
| 42:2003 | 42:2003 Job Discrimination |
| 42:2005 | 42:2005 Review of Agency Action-HHS |
| 42:2651 | 42:2651 Medical Care Recovery |
| 42:3601 | 42:405 Fair Housing Act |
| 42:4000 | 42:4000 National Flood Insurance Act |
| 42:4001 | 42:4001 National Insurance Flood Act |
| 42:4053 | 42:4053 Breach of Insurance Contract |
| 42:4072 | 42:4072 Payment of Flood Insurance Claim |
| 42:4321 | 42:4321 Review of Agency Action-Environment |
| 42:4332 | 42:4332 Environmental Policy - Coop of Agency Reports |
| 42:6901en | 42:6901 Environmental Cleanup Expenses |
| 42:6901rs | 42:6901 Resource & Recovery Act |
| 42:7413 | 42:7413(b) Clean Air Act |
| 42:7604cl | 42:7604 Clear Air Act (Emission Standards) |
| 42:7604ir | 42:7604 Petition to Quash IRS Summons |
| 42:9607 | 42:9607 Real Property Tort to Land |
| 43:945 | 43:945 Compensation for Land Condemnation |
| 43:945a | 43:945a Complaint in Condemnation |
| 43:946 | 43:946 Complaint in Condemnation - Eminent Domain |
| 45:0051 | 45:51 Railways: Fed. Employer's Liability Act |
| 45:0151 | 45:151 Railway Labor Act |
| 45:0184 | 45:184 Action to Set Aside Award of a System Board |
| 45:1395 | 45:1395 Railroads: Adverse Reimbursement Review |
| 45:7457 | 45:7457 Compel Reclamation under Clear Air Act |
| 46:0688 | 46:688 Jones Act |
| 46:0741 | 46:741 Shipping |
| 46:0761 | 46:761 Shipping: Damages for Death on High Seas |
| 46:1101 | 46:1101 Violation of Maritime Regulations |
| 46:1156 | 46:1156 Administrative Procedure Act |

| | |
|----------|--|
| 48:0883 | 48:883 Violation of US Coastal Law |
| 48:1985 | 48:1985 Conspiracy/Deprivation Civil Rights |
| 49:0081 | 49:81 Damaged Goods While Being Transported |
| 49:0781 | 49:781 Forfeiture |
| 49:11503 | 49:11503 Railroad Revitalization Regulatory Reform |
| 49:11702 | 49:11702(a)(4) Violations of Interstate Commerce Act |
| 49:1471 | 49:1471 Federal Aviation Act |
| 49:1903 | 49:1903 Petition to enforce administrative summon |
| 8:287 | 8:287 Petition to Enforce INS Subpoena misc |
| misc | Civil Miscellaneous Case |

SOUTHERN DISTRICT OF FLORIDA - LOCAL CODES

| Code | Description |
|-------------|---|
| adsup | Administrative Subpoena |
| apptrec | Appointment of receiver |
| bvcmp | Bivens - Federal Prisoner Civil Rights |
| contempt | Contempt Proceedings |
| disbar | Disbarment Proceedings |
| fordepo | Foreign Deposition |
| menfsubp | Motion to enforce deposition subpoena |
| motcomp | Motion to Compel |
| motjudrev | Motion for Judicial Review |
| motquash | Motion to Quash |
| motret | Motion for Return of Property |
| motstaybkc | Motion to Stay Bankruptcy Proceedings |
| mottro | Motion for Temporary Restraining Order |
| petenf | Petition to Enforce IRS Summons |
| petper | Petition to Perpetuate Testimony |
| regjgm | Registration of Foreign Judgment |
| tranbkref | Transmission of Bankruptcy Reference |
| tranff | Transmission of Proposed Findings of Fact and Concl. of Law |
| writgar | Application for a Writ of Garnishment |
| writman | Writ of Mandamus |

Attachment F- Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

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 (Short Form)

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.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____ .
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ _____ , and my take-home pay or wages are: \$ _____ per
(specify pay period) _____ .

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|--|------------------------------|-----------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

Attachment F- Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account: \$ _____ .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (*describe the property and its approximate value*):

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and provide the amount of the monthly expense*):

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*):

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

Applicant's signature

Printed name

AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

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)

| Affidavit in Support of the Application | Instructions |
|---|---|
| <p>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.</p> | <p>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.</p> |
| 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 (such as rental income) | \$ | \$ | \$ | \$ |
| Interest and dividends | \$ | \$ | \$ | \$ |
| Gifts | \$ | \$ | \$ | \$ |
| Alimony | \$ | \$ | \$ | \$ |
| Child support | \$ | \$ | \$ | \$ |

Attachment F- Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

| | | | | |
|---|----|----|----|----|
| Retirement (<i>such as social security, pensions, annuities, insurance</i>) | \$ | \$ | \$ | \$ |
| Disability (<i>such as social security, insurance payments</i>) | \$ | \$ | \$ | \$ |
| Unemployment payments | \$ | \$ | \$ | \$ |
| Public-assistance (<i>such as welfare</i>) | \$ | \$ | \$ | \$ |
| Other (<i>specify</i>): | \$ | \$ | \$ | \$ |
| Total monthly income: | \$ | \$ | \$ | \$ |

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.

AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

| Assets owned by you or your spouse | |
|---|----|
| 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 |
|--|---------------------|------------|
| | | |
| | | |
| | | |

Attachment F- Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

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 | \$ | \$ |

Attachment F- Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

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>): | \$ | \$ |
| Total monthly expenses: | \$ | \$ |

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: _____

Attachment G – Summons in a Civil Action

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 \$ _____.

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:

Attachment H - Notice of a Lawsuit and Request to Waive Service of a Summons

AO 398 (Rev. 01/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff
v.

Defendant

)
)
) Civil Action No.
)
)

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: _____
(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within _____ days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: _____

Signature of the attorney or unrepresented party

Printed name

Address

E-mail address

Telephone number

Attachment I – Instructions/Complaint Under Civil Rights Act

Instructions for Filing a Complaint for Violation of Civil Rights (Prisoner Complaint)

This packet includes three forms:

- Complaint for Violation of Civil Rights (Prisoner Complaint)
- Application to Proceed Without Prepayment of Fees or Costs (Short and Long Form)

To start an action, you must file:

- Original, signed complaint.
- One copy of the complaint for *each* defendant named in the complaint. For example, if you name two defendants, you must file the original complaint plus two copies. You should also keep a copy for your records. All copies of the complaint must be identical to the original, signed complaint.
- Filing fee of \$400.00 or an Application to Proceed Without Prepayment of Fees/Costs.

Return the above to the following address:

Clerk's Office
United States District Court
Southern District of Florida
400 North Miami Avenue, 8N09
Miami, FL 33128-7716

Your complaint must be legibly typewritten or clearly handwritten using a pen (do not use a pencil). As the plaintiff, you must sign and swear to the accuracy of the information in the complaint. If you need more space than is provided on the form, attach an additional blank page to the complaint.

Your complaint can be filed in this Court only if one or more of the named defendants are located within the Southern District of Florida. Also, you must file a separate complaint for each claim you have unless the claims are related to the same incident or issue. Your complaint must provide the facts; you should not include legal arguments or citations.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

(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.)

-against-

(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. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Prisoner Complaint)

Case No. _____

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

Jury Trial: Yes No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual’s full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual’s birth; a minor’s initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk’s Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

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 _____
All other names by which you have been known:

ID Number _____
Current Institution _____
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. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

Individual capacity Official capacity

Defendant No. 2

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

Individual capacity Official capacity

Defendant No. 3

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

Individual capacity Official capacity

Defendant No. 4

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388

(1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- Federal officials (a *Bivens* claim)
- State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that*

apply):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful 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 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.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

D. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

- Yes
- No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

- Yes
- No
- Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

- Yes
- No
- Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

- Yes
- No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

- Yes
- No

E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions,

while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

- Yes
- No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

- Yes
- No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____
Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes

No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

IX. 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: _____, 20__.

Signature of Plaintiff _____

Printed Name of Plaintiff _____

Prison Identification # _____

Prison Address _____

City

State

Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

Telephone Number _____

E-mail Address _____