

Guide to Filing Non-Prisoner Complaints Without a Lawyer in The United States District Court for the Eastern District of Wisconsin

Introduction

Welcome to the federal district court.

This Guide is intended to help you write and file a complaint. Follow these steps and your litigation should run more smoothly.

The Guide comes with three attached documents:

- (1) a blank complaint form;
- (2) an optional blank application to proceed in court without prepaying the filing fee; and
- (3) examples of statements of a claim

You are encouraged to use the form complaint. You are not required to do so, but using it will help your case move more quickly. In addition, the examples of statements of a claim may help you write your own claim.

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

- Federal district courts generally hear two types of cases: (1) violations of federal law; and (2) violations of state law where the parties are citizens of different states and the amount at stake is more than \$75,000.
- Federal district courts do not review the decisions of state courts. Do not sue in a federal district court just because you are unhappy with the ruling of a state court.

Note to employment-discrimination plaintiffs:

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

Contents of Your Complaint

Cases in federal court start with the complaint, and so does this Guide. The complaint is an important legal document. If you draft it correctly, it will be short and tell the Court and defendants how your rights were violated.

What to put in your complaint:

Your complaint needs five things. These five parts correspond to the five sections that you see in the form complaint.

- A. **Caption and parties.** Your complaint must begin with a “caption.” The caption must include your name as the plaintiff and the names of the people you are suing (the defendants). (If the defendants harmed you while doing their jobs, tell the Court the name and address of the employers, if known to you.) Also, name the federal court in which you will be filing your complaint. Do not fill in the case number. This will be done by the Clerk when you file your complaint. From then on, you should put the case number on papers that you file with the Court. This helps the Court keep all the papers in each case together.

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

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

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

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

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

You may type or handwrite your complaint, so long as it is legible.

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

C. **Why your case belongs in federal court (“Jurisdiction”).** State why a federal court can decide your case. There are two main possibilities:

- (1) If your case involves a violation of federal law, a federal court can decide your case, and you should check the first box on the

form. This box refers to a federal statute, 28 U.S.C. § 1331, the law that gives federal courts the power to decide cases involving the violation of federal law.

- (2) If your case involves only a violation of state law, you may be able to check the second box. Generally, in order to check the second box, all the defendants must be citizens of a state other than the one of which you (and any other plaintiffs) are a citizen. In addition, more than \$75,000 must be in dispute.

- D. **Relief Wanted.** Your complaint should include a request for relief—what you want from each defendant, such as money or some particular action.
- E. **Jury Demand.** If you want to have your case decided by a jury, check “Yes” in the box provided.

What NOT to put in your complaint:

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

DO NOT include lengthy quotations from statutes, laws, regulations, or cases. If you want, you may simply list the statute, law, or regulation that you believe the defendants violated. Later in the case, the defendants or the judge may ask you to explain in more detail why you think that the defendants have violated a law. You will then have an opportunity to quote from statutes, laws, regulations, or cases.

DO NOT include unrelated claims against different defendants. You may bring the same claim against more than one defendant only if all of the

named defendants played some part in the *same* situation that resulted in the alleged violation of your rights.

Filing Your Complaint

To file your complaint, you must pay a filing fee. The cost of filing a civil action is \$402.00, which includes the \$350.00 filing fee and a \$52.00 administrative fee. The full \$402.00 must be paid at the time the action is filed. Your check or money order should be made payable to the “Clerk of Court.”

If you cannot afford the fee, you may ask the Court for permission to file your complaint without prepaying the filing fee. Use the form “Non-Prisoner Request to Proceed in District Court without Prepaying the Filing Fee.”

BE SURE to keep for yourself an exact copy of your complaint and any other document you send to the Court.

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

Mail (1) your complaint and (2) your check or money order (if you can afford to prepay the full filing fee) or your Request to Proceed in District Court without Prepaying the Filing Fee to: Clerk of Court, United States District Court for the Eastern District of Wisconsin, 517 East Wisconsin Avenue, Room 362, Milwaukee, WI 53202.

COMPLAINT

(for non-prisoner filers without lawyers)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

v.

Case Number:

(Full name of defendant(s))

(to be supplied by Clerk of Court)

A. PARTIES

1. Plaintiff is a citizen of _____ and resides at
(State)

(Address)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant _____
(Name)

is (if a person or private corporation) a citizen of _____
(State, if known)

and (if a person) resides at _____
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for _____
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

C. JURISDICTION

I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$ _____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

E. JURY DEMAND

I want a jury to hear my case.

– YES – NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this _____ day of _____ 20____.

Respectfully Submitted,

Signature of Plaintiff

Plaintiff's Telephone Number

Plaintiff's Email Address

(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE

I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Filing Fee form and have attached it to the complaint.

I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

Full name of plaintiff(s)

v.

Case No. _____
(Provided by the Clerk of Court)

Full name of defendant(s)

**NON-PRISONER REQUEST TO PROCEED IN DISTRICT COURT
WITHOUT PREPAYING THE FILING FEE**

Answer the following questions to the best of your ability.

Note: If you do not tell the truth, the Court may dismiss your lawsuit.

I. Personal Information

1) Are you employed? Yes No

2) Are you married? Yes No

If "Yes," is your spouse employed? Yes No

3) Do you have any dependents that you are responsible for supporting?

Yes No

If "Yes," list them below:

<u>Name or initials (for minor children only)</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Amount of Support Provided per Month</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

II. Income – If you are married, your answers *must include your spouse's income*. (When calculating income, include any wages, salary, rent, child support, public assistance, unemployment compensation, disability payments, life insurance payments, pensions, annuities, workers' compensation, stock dividends and interest, gifts and inheritance, or other money you receive from any source.)

1) State your total *monthly* wages or salary? \$ _____

2) Provide the name and address of your employer(s):

3) State your spouse's total *monthly* wages or salary? \$ _____

State the amount of money you have received from any other source in the last twelve months, such as the sources listed above. Please attach an additional sheet if necessary.

<u>Source of income</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____

III. Expenses – If you are married or have dependents, *your expenses should also include your household's expenses*.

- 1) Identify the following amounts that you pay per month:
- Rent or Mortgage \$ _____
 - Car payment(s) \$ _____
 - Alimony or court-ordered child support \$ _____
 - Credit card payment(s) \$ _____
 - Other household expenses \$ _____
(e.g., groceries, clothing, medical costs, utilities, cell phone, internet, etc.)

- 2) Do you have any other *monthly* expenses that you have not already listed?
 Yes No

If "Yes," list them below:

<u>Expense</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

- 3) What are your total *monthly* expenses? \$ _____

IV. Property – If you are married, your answers must *include your spouse's property*.

- 1) Do you own a car? Yes No If "Yes," list car(s) below:

<u>Make and Model</u>	<u>Year</u>	<u>Approximate Current Value</u>
_____	_____	\$ _____
_____	_____	\$ _____

- 2) Do you own your home(s)? Yes No

If "Yes," state the approximate value(s). \$ _____

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the home(s)? \$ _____

- 3) Do you have any cash or checking, savings, or other similar accounts?
 Yes No

If "Yes," state the total of such sums. \$ _____

4) Do you own any other property of value, such as real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k), artwork, or jewelry?

Yes No

If "Yes," describe the property and the approximate value(s).

V. **Other Circumstances** – Describe any other financial circumstance(s) that you would like the Court to consider when reviewing this petition.

I, _____, declare that I am the plaintiff bringing this complaint. I declare that I am unable to prepay the fee and that I am entitled to the relief sought in the complaint. I declare under penalty of perjury that the foregoing is true and correct.

Date

Signature

EXAMPLES OF STATEMENT OF A CLAIM

Statement of Claim (Example 1)

Who

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

Where

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

When

What happened

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

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

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

wages and damages for his suffering.

Why it happened

Statement of Claim (Example 2)

When

Where

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

Who

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

What happened

Why it happened

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

What else happened

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

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

What else happened

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

Why it happened

so apparently *because her son recorded the episode*. The excessive force caused

a head injury that required medical treatment. Smith wants damages for

the one-hour detention, her medical treatment, pain, and embarrassment.