

**INFORMATION AND INSTRUCTIONS FOR FILING
A SOCIAL SECURITY SUIT IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Introduction

Attached are the forms you must complete and return to the court in order to file a civil suit. Information regarding these forms and instructions for completing the forms are provided below. Please read all of the instructions carefully before you complete the attached forms. All forms and other papers submitted to the court must bear an original signature and must be typewritten or legibly handwritten.

Civil Cover Sheet

You must complete and submit to the court a civil cover sheet (Form JS 44). *See* D.C.COLO.LCivR 3.1. Only the original civil cover sheet is required. Instructions for completing the civil cover sheet appear on the reverse side of the civil cover sheet.

Summons in a Civil Action

You do not need to complete and submit a “Summons in a Civil Action” if you are requesting, and the court orders, service of process by the United States Marshals Service. Otherwise, you must complete and submit to the court an original and one copy of the “Summons in a Civil Action” form for each party to be served. The completed summonses will be signed and sealed by the clerk or a deputy clerk and returned to you to serve the complaint yourself.

Court Fees

Each complaint must be accompanied by the full \$350.00 filing fee plus an additional \$55.00 administrative fee, for a total payment of \$405.00. The fees may be paid in cash, by money order, by credit card, or by check payable to: Clerk, U.S. District Court. There are no fees for a jury demand, an answer, or other similar papers. A schedule of other fees charged by the court is attached to the Local Rules of Practice for the United States District Court for the District of Colorado. A copy of the Local Rules of Practice is available from the Clerk of the Court or from the court’s website.

If you want to proceed without prepayment of fees, you must file on the form provided in this packet an original Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form). The required form, including a version that may be downloaded and completed on your computer, also is available on the court’s website. Each question in the application must be answered clearly and concisely in the appropriate space on the form. Any information that does not fit in the space provided on the form should be attached to the application, and the attached information should indicate clearly to which question the information pertains. Do not use the full name of minor children listed as dependents on the form. Identify minor children by their initials only. Do not include their date of birth. You must sign the application. You should exercise care to assure that all answers are true, correct, and complete. If there is more than one plaintiff in the civil suit, each plaintiff must complete and submit a separate application seeking leave to proceed without prepayment of fees following these same instructions.

Service of Process

Each defendant must be served with a copy of the summons and complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure. A copy of Rule 4 is included in this packet. Serving each defendant with a copy of the summons and complaint is known as service of process.

If the court grants you leave to proceed without prepayment of fees pursuant to 28 U.S.C. § 1915, you are entitled, but not required, to have the United States Marshals Service serve process. The United States Marshals Service will not serve process without a court order.

If you elect not to have the court direct the United States Marshals Service to serve process, you are responsible for making service of process yourself. You should be aware that, due to high demands on the United States Marshals Service, service of process by the marshals may take up to 120 days. You may reduce the amount of time required for service of process if you choose to make service of process yourself pursuant to Rule 4 of the Federal Rules of Civil Procedure.

Notice and Request for Waiver of Service

Rule 4(d) of the Federal Rules of Civil Procedure allows for service of process of certain individuals, corporations, and associations by providing notice of the lawsuit and requesting a waiver of formal service of process. You should consult the copy of Rule 4 that is included in this packet to determine whether a particular defendant appropriately may be served pursuant to Rule 4(d).

If you are seeking leave to proceed without prepayment of fees pursuant to 28 U.S.C. § 1915 and you choose to make service of process yourself or if you are required to make service of process yourself, you may attempt to obtain a waiver of formal service of process from each defendant appropriately served pursuant to Rule 4(d). To attempt to obtain such a waiver, you must send by first-class mail to each appropriate defendant:

1. The completed Notice of Lawsuit and Request for Waiver of Service of Summons;
2. Two completed copies of a Waiver of Service of Summons;
3. A copy of the complaint; and
4. A self-addressed, stamped envelope.

If the defendant agrees to waive formal service of process, the defendant will return the Waiver of Service of Summons to you for filing with the court. If any defendant does not return the Waiver of Service of Summons to you within the time you specify on the Notice of Lawsuit and Request for Waiver of Service of Summons, that defendant must be served personally in accordance with Rule 4 of the Federal Rules of Civil Procedure.

Complaint

Each named defendant must be listed in the caption of the complaint, one defendant per

line. If there is more than one defendant, you should indicate clearly in the body of the complaint which actions are attributable to each defendant.

You must provide the court with an original complaint. You should keep a copy of the complaint for your records. The court will not provide a copy for you.

You must file your complaint on the form provided in this packet. The required form, including a version that may be downloaded and completed on your computer, also is available on the court's website. Your complaint must comply with the requirements of the Federal Rules of Civil Procedure. Rule 8 of the Federal Rules of Civil Procedure provides the general rules of pleading. A copy of the complete Federal Rules of Civil Procedure may be purchased at the U.S. Government Bookstore, <http://bookstore.gpo.gov>. The Federal Rules of Civil Procedure also are available for your use in the law library at the United States Courthouse.

If applicable, you should attach to your complaint, as an exhibit, a copy of any letter or other notification from an administrative agency that authorizes you to file your lawsuit or that otherwise may be relevant to the complaint you file. You are encouraged to file your complaint with the court well in advance of any applicable deadline for filing the complaint.

If you are removing a case from state court, please contact the Clerk of the Court for additional information.

Legal Assistance

The United States district judges, the United States magistrate judges, the Clerk of the Court, the deputy clerks, and other court staff are officers of the court and are prohibited from giving legal advice. Legal questions should be directed to an attorney. A list of organizations and services that may be able to provide you with legal assistance or assist you in finding an attorney is included in this packet.

Additional Information

After the court has issued a case number, each paper filed with the court must include the case number. You also must provide each opposing party or his, her, or its attorney with a copy of all documents submitted to the court.

You should keep a copy of each paper filed with the court for your records. The court will not provide a copy for you. You also should submit copies, not originals, of any exhibits or other attachments to papers submitted to the court for filing because the court is unable to return original documents or exhibits to you. For privacy and security reasons, you should not submit documents that include dates of birth, Social Security numbers, or banking information.

Each original document submitted to the court, except the original complaint, must include a certificate stating the date a copy of the document was mailed to each opposing party or his, her, or its attorney and the address to which it was mailed. Any document that fails to include a certificate of service may be disregarded by the court or returned to you. Even if you have been granted leave to proceed without prepayment of fees pursuant to 28 U.S.C. § 1915,

neither the court nor the United States Marshals Service will serve any papers after the filing and service of the complaint. An example of a certificate of service is:

I hereby certify that a copy of the foregoing pleading/document was mailed to _____ (defendant(s) or counsel for defendant(s))
at _____ (address) on _____, 20____.

Plaintiff's Original Signature

When you have completed the complaint and all of the necessary forms as described in these instructions, the completed complaint and forms should be mailed or hand delivered to the Clerk of the United States District Court whose name and address are:

Jeffrey P. Colwell, Clerk
Alfred A. Arraj United States Courthouse
901 19th Street, Room A105
Denver, CO 80294-3589

If you have any questions or seek additional information, please contact the office of the Clerk of the Court at 303/844-3433. The court's business hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

PLEASE NOTE: If you are unrepresented (pro se), not a prisoner, and have a civil case, you can contact the Federal Pro Se Clinic for free, limited legal assistance. Call the Federal Pro Se Clinic at 303-380-8786 or fill out an intake form online at <https://www.cobar.org/fpsc>. The Clinic cannot help with prisoner, criminal or bankruptcy cases, or with appeals.