

(Post 12/2022)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS**

GUIDE FOR FILING CIVIL CASES

- CIVIL COVER SHEET** (Form JS-44) One copy is required. See detailed instructions on back of form. (If a removal case, cover sheet filed with notice of removal).
- SUMMONS** Original and one copy for each party to be served.
- COMPLAINT** Original plus two copies for the Clerk’s Office and one copy for each defendant served. Paper should be unfolded, letter size, without manuscript covers, and pages should be numbered at the bottom. If typewritten, it should be double spaced. If printed, type should not be less than elite.
- Note that in prisoner actions under 42 U.S.C. § 1983 and 28 U.S.C. § 2254, an original and one copy for each defendant to be served.
- SEE ATTACHMENT FOR INSTRUCTIONS ON HOW TO DRAFT A COMPLAINT IN FEDERAL COURT.**
- SIGNATURE** The complaint, unless pro se, must be signed by at least one member of the Bar of this Court (see Local Rule 5.5). Counsel’s name, complete address, telephone number, Arkansas Bar Number, and any party represented must be shown on all pleadings. (If pro se, name, address, and telephone number must be shown.)
- SERVICE** Service shall be made in accordance with Rule 4, Federal Rules of Civil Procedure, except in social security appeals. *See Supplemental Rules for Social Security.* U.S. Marshal does not serve process except on behalf of the government, for in forma pauperis plaintiffs, or as otherwise ordered by the Court.
- COURT FEES** \$402.00 payable to the Clerk, U.S. District Court, for each complaint or petition for removal.
- \$5.00 filing fee for habeas corpus cases (28 U.S.C. § 2241 and 28 U.S.C. § 2254 actions).

HOW TO DRAFT A COMPLAINT IN FEDERAL COURT

All suits in federal court must begin with the filing of a complaint. The basic guide for drafting a complaint in federal court is the Federal Rules of Civil Procedure, particularly Rule 8 and 10, and the Local Rules for the Eastern District of Arkansas, particularly Rule 5.5. The attachment shows the proper format. Prisoner complaints under 42 U.S.C. § 1983 and 28 U.S.C. § 2254 are to be submitted on the Court-approved form in accordance with Local Rule 9.1. (Separate instructions are available from the Court.)

In general, the complaint should have the following elements: a caption; a statement of the plaintiff's address; a statement of the defendant(s) identity and address; and a statement invoking federal jurisdiction (that is, why you are suing in federal court and not state court). List the specific statute(s) under which you are claiming jurisdiction, such as federal question, 28 U.S.C. § 1331; diversity of citizenship, 28 U.S.C. § 1332; or a violation of civil rights, 42 U.S.C. § 1983 or 28 U.S.C. § 1343. The next element of the complaint is a statement that venue is proper (that is, whether this action properly lies in this judicial district with this Court).

After the statement of federal jurisdiction and venue, you should set forth, clearly and concisely the facts of the claim. Names, dates and events should be described accurately and briefly. Paragraphs should be numbered. Lastly, state your claim for relief (that is, what you want the Court to do for you). Relief may include money damages, injunctive relief or both. In addition, state whether you wish a trial by jury. You must then sign your complaint and provide your address and telephone number.

Complaints may be typed or handwritten, but must be double spaced. (Note: this instruction sheet is not double spaced). You must submit one original and two (2) copies for the Clerk's Office and one copy for each defendant to be served. If you sue the defendant in his individual and official capacity, two copies are required (one for his individual capacity, and one for his official capacity). If you sue the United States, or an agency thereof, you must submit four (4) copies for each entity sued. Remember to keep a copy for yourself.

The fee for filing a complaint is \$402.00. If you cannot afford to pay this fee, you may petition the Court to waive prepayment of the filing fee. This is done by filing a motion to proceed in forma pauperis. This form is available from the Court. Lastly, you are responsible for serving the complaint on the defendant(s) (unless the Court orders the United States Marshal to serve your complaint). See Federal Rule of Civil Procedure 4 for proper service requirements.

Be sure to follow these instructions carefully. Papers which do not comply with these instructions may be declined by the Court.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS**

PLAINTIFF(S)

v.

CASE NUMBER

DEFENDANT(S)

COMPLAINT

- 1.) Plaintiff(s) name and address(es)
- 2.) Defendant(s) name and address(es)
- 3.) Jurisdiction
- 4.) Venue
- 5.) Factual basis for lawsuit
- 6.) Relief sought (including request for jury trial).

Signature
Printed Name
Printed Address
Telephone Number
Arkansas Bar Number (if applicable)