

# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND



## INSTRUCTIONS FOR FILING A CIVIL ACTION ON YOUR OWN BEHALF

*FEBRUARY 2021*

These instructions are designed to help you understand basic court procedures in civil actions. These instructions do not cover all circumstances or all types of cases. It is your responsibility to comply with the Federal Rules of Civil Procedure, the Local Rules of this court and any statutes and rules which may apply to your particular case. Please use these guidelines in conjunction with the Federal Rules of Civil and Appellate Procedure and the Local Rules of this court. Please note that court staff cannot give you legal advice.

If you are filing a prisoner civil rights action under 42 U.S.C. § 1983, a habeas corpus petition under 28 U.S.C. § 2241 or § 2254, or a motion to vacate or set aside sentence under 28 U.S.C. § 2255, there are special forms and instructions available from the Clerk's Office.

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## I. HOW TO FILE A CIVIL ACTION

### A. WHAT TO FILE

To file a civil action in the District of Maryland, you must provide the following information:

- Complaint
- Summons
- Civil Cover Sheet
- Filing Fee or Application to Proceed In Forma Pauperis

### B. THE COMPLAINT

#### 1. *Complaint*

The first step in filing a lawsuit is to prepare a complaint. The court has forms available for filing complaints for [employment discrimination](#) and [appealing a denial of Social Security benefits](#), as well as a general [complaint](#) form. You are not required to use these forms, although you may find it helpful to review them. These forms are available on the court's website at [http://www.mdd.uscourts.gov/forms/all-forms/self\\_rep](http://www.mdd.uscourts.gov/forms/all-forms/self_rep).

#### 2. *Complaint Content and Format*

- a) **Paper:** White, letter-sized (8.5 x 11") paper.
- b) **Caption:** The first page should begin with the case caption, which includes the name of the court, the names and addresses of all parties, and a blank space for the case number, which will be filled in by court staff once a number has been assigned. All parties should be named and include their addresses. For example, writing the name of only one party and "et al." is inadequate.

<i>Sample Caption for a Complaint</i>	
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND	
MARY SMITH, 100 North Calvert Street Baltimore, Maryland 21202	:
Plaintiff,	
v.	: Civil Action No:
JOHN DOE, 101 West Lombard Street Baltimore, Maryland 21201	
Defendant	:

- c) **Body of the Complaint:** The body of the complaint is made up of numbered paragraphs. Explain the facts of your claim, the legal basis, why you believe this court has jurisdiction, and what relief you want. It is not necessary to cite specific cases.

**Note:** Local Rule 102.2 provides additional information about formatting court documents.

- d) **Signature:** At the end, each plaintiff must sign and date the complaint. Underneath your signature type or print your full name, address, phone number, and fax number (if you have one). If you are an out-of-state resident, you must keep on file with the Clerk a Maryland address where notices may be filed.

**Note:** Your signature, address, and phone number must appear on every pleading, motion, or other paper you file.

### 3. *Number of Copies*

You must file the original complaint with the court and one copy of the complaint for each defendant you name. If the defendant is an agency of the United States, or an officer or employee of the United States who is being sued for acts or omissions related to the employee's employment, you must provide five copies of the

complaint. You should keep a copy of the complaint for your own records.

**Note:** All copies must be identical to the original.

4. *Privacy Protection*

To comply with the E-Government Act of 2002 and Fed. R. Civ. P. 5.2, do not include any sensitive information on documents filed with the court. If sensitive information must be included, personal identifiers must be redacted (or blackened out) as follows. Generally, Social Security numbers, dates of birth, and financial account numbers should only be included if ordered by the court, and in that case, you should redact all sensitive information as follows and then file under seal a reference list with the complete information.

- Names of minor children to initials (Example: A.B., C.D.)
- Financial account numbers to the last four digits (xxxx-xxxx-1234)
- Social Security Numbers to the last four digits (xxx-xx-1234)
- Dates of birth to the year only (DOB 1980)

C. SUMMONS

1. *The Summons*

The summons is used to effect service of process of your complaint. “Service of Process” refers to the procedure for notifying a defendant that a lawsuit has been filed, what the lawsuit is about, and the time for filing an answer to the complaint.

2. *Format*

The summons form is available on the court’s website at [http://www.mdd.uscourts.gov/publications/Forms/AO440\\_SummonsCivil.pdf](http://www.mdd.uscourts.gov/publications/Forms/AO440_SummonsCivil.pdf) or in the Clerk’s Office. You must prepare a separate summons for every defendant named.

**Note:** Do not complete the Proof of Service portion of the summons until after service.

3. *Number of Copies*

You must submit the following number of summons to the Clerk:

- Two (2) copies of the summons for each party that is not the United States, a federal agency, or a federal employee in an official capacity.
- Six (6) copies of the summons for each party that is the United States, a federal agency, or a federal employee sued in an official capacity.

#### D. CIVIL COVER SHEET

##### 1. *The Civil Cover Sheet*

Each complaint must include a civil cover sheet (JS-44). This form is used to help the Clerk's Office open your case and to compile statistical information.

##### 2. *Format*

The civil cover sheet is available on the court's website at <http://www.mdd.uscourts.gov/sites/mdd/files/forms/CivilCoverSheet.pdf> or in the Clerk's Office. Complete the form as best as you can, leaving blank anything you do not know.

##### 3. *Number of Copies*

Only one cover sheet is needed for each case.

#### E. FILING FEE OR APPLICATION TO PROCEED IN FORMA PAUPERIS

##### 1. *The Fee*

The filing fee for a civil action is \$402.00. Payment is due at the time of filing the complaint. The Clerk's Office accepts the following forms of payment: cashier's check, money order, personal check, or credit card (Visa, MasterCard, American Express, and Discover). Checks and money orders must be made payable to "Clerk, U.S. District Court."

##### 2. *In Forma Pauperis*

If payment of the filing fee poses a hardship, you may apply to be excused from paying the filing fee, called "proceeding in forma pauperis." To apply to proceed in forma pauperis, complete the form available on the court's website at [http://www.mdd.uscourts.gov/sites/mdd/files/forms/A0239\\_MotionProceedInFormaPauperis.pdf](http://www.mdd.uscourts.gov/sites/mdd/files/forms/A0239_MotionProceedInFormaPauperis.pdf) or in the Clerk's Office.

## II. WHAT HAPPENS AFTER I FILE MY CASE?

### A. OPENING YOUR CASE

If you submit the necessary materials, your case will be “opened.” Opening a case involves assigning a case number and a judge and entering basic information into the court’s electronic docketing system.

After opening a case, the Clerk’s Office sends the case to the assigned judge to review. The judge will look at any motions filed with the complaint and will also review the complaint to see if it contains all the necessary information. The judge will also consider and decide on any request to proceed in forma pauperis. After the judge’s initial review, the judge may require you to file additional information in support of your case.

**Note:** Unrepresented parties typically cannot file documents electronically. Instead, unrepresented parties file their documents by mail or in person and the Clerk’s Office will scan them into the electronic system. Unrepresented parties can access the electronic docketing system at one of the public terminals in either the Baltimore or Greenbelt courthouse.

### B. SERVICE OF PROCESS

#### 1. *General*

In accordance with Rule 4 of the Federal Rules of Civil Procedure, you are responsible for making arrangements for service of the complaint on every named defendant within 90 days from the date the complaint is filed. **If service is not effected within 90 days, your case may be dismissed.**

**Note:** If you are applying to proceed in forma pauperis, the 90 day-period does not begin until the court rules on your request.

#### 2. *How to Serve*

The most common ways of effecting service are through personal delivery (handing the summons, complaint, and any other required document to the defendant) or certified mail, restricted delivery (sending the summons, complaint, and any other required document to the defendant by certified mail, restricted delivery).

Review Federal Rule of Civil Procedure 4 and Maryland Rules 2-121 through 2-125 for more information about how to serve your complaint in the State of Maryland.

**Note:** If the defendant is a company doing business in Maryland, the easiest way to serve the summons and complaint is to serve the company's resident agent. A resident agent is a person or company with a Maryland address who is authorized to accept service of process. To see whether a company has a registered agent in Maryland, contact the Department of Assessments and Taxation, Charter Information at (410) 767-1340 or at <http://sdatcert3.resiusa.org/ucc-charter/>.

3. *Who Can Serve*

- a) **General Rule:** The summons and complaint may be served by any person of at least 18 years of age who is not a party to and does not have a personal interest in the case.
- b) **Private Process Server:** For a fee, you can hire a private process server to serve the defendant(s).
- c) **U.S. Marshal:** The U.S. Marshal will only serve a summons and complaint if you are unrepresented and proceeding in forma pauperis. See Local Rule 103.2.

4. *Service of Process on a U.S. Government Agency or Employee*

If the defendant is either an agency of the United States or an officer or employee of the United States, you must serve both the U.S. Attorney General and the U.S. Attorney for the District of Maryland. You can serve the summons and complaint by first class mail at the following addresses:

Attorney General of the United States	U.S. Attorney for the District of
Main Justice Building	Maryland
10th and Constitution Avenue, NW	36 S. Charles Street, 4th Floor
Washington, DC 20530	Baltimore, MD 21201

5. *Waiver of Service of Summons*

Rule 4 allows a defendant to waive personal service of process, if the defendant is not the United States; a federal government agency; or a foreign, federal, state, or local government official sued in an official capacity. To complete this process instead of serving a summons, review Federal Rule of Civil Procedure 4(d) and Local Rule 103.2.



Instead of submitting a summons with your complaint, submit a [notice of a lawsuit and request to waive service of summons](http://www.mdd.uscourts.gov/sites/mdd/files/forms/AO398_RequestWaiveServiceofSummons.pdf) and [waiver of the service of summons](http://www.mdd.uscourts.gov/sites/mdd/files/forms/AO399_WaiverServiceofSummons.pdf) forms for each defendant. These forms are available on the court's website at [http://www.mdd.uscourts.gov/sites/mdd/files/forms/AO398\\_RequestWaiveServiceofSummons.pdf](http://www.mdd.uscourts.gov/sites/mdd/files/forms/AO398_RequestWaiveServiceofSummons.pdf) and [http://www.mdd.uscourts.gov/sites/mdd/files/forms/AO399\\_WaiverServiceofSummons.pdf](http://www.mdd.uscourts.gov/sites/mdd/files/forms/AO399_WaiverServiceofSummons.pdf). They are also available in the Clerk's Office.

When you receive the signed waiver of service of summons form from the defendant, file this document with the court. You must file the waiver for every defendant.

**Note:** If the defendant does not return the waiver form within the specified time, you must notify the Clerk in writing and ask that summons be issued by the Clerk's Office.

### C. AFTER SERVICE OF PROCESS

Once a defendant is served, several things may happen: the defendant may file an answer, the defendant may file a motion, or the defendant may do nothing. In the case of more than one defendant, a combination of these things may happen.

#### 1. *Defendant Files an Answer*

If the defendant files an answer, the assigned judge will issue a scheduling order. A scheduling order sets deadlines for doing or filing certain things in a particular case. It may include deadlines for completing discovery, filing motions, and filing status reports.

**Note:** Most scheduling orders do not set trial dates.

#### 2. *Defendant Files a Motion*

There are different kinds of motions a defendant may file before filing an answer, some of which may try to get your case dismissed immediately.

If the motion is a routine request, such as an extension of time to file an answer, it will most likely be granted unless you file a prompt opposition and have a good reason why the court should deny the request.

For more substantive motions, such as a motion to dismiss, you will be allowed 14 days to file a response, and you may request an extension of time to file your response if you have a good reason.

**Note:** Federal Rule of Civil Procedure 12 lists the types of motions that could be filed at this point.

3. *Defendant Files Nothing*

If the defendant files nothing within the time for filing a response, you may request entry of default and default judgment under Rule 55 of the Federal Rules of Civil Procedure.

D. DISCOVERY AND TRIAL

1. *General*

If the judge issues a scheduling order in your case, the order may contain a deadline for completing discovery. Discovery is the process of getting information and evidence related to your case. The most common forms of discovery are interrogatories (written questions), requests for documents, and depositions (a recorded questioning of a potential witness under oath). Most discovery requests go to parties in the case, but under certain circumstances, discovery can involve non-parties.

Review Federal Rules of Civil Procedure 26 through 37 and Local Rule 104 for additional information.

**Note:** Discovery does not occur in all cases and will not begin until the court enters a scheduling order.

2. *Tips for Conducting Discovery*

- The court will let you know when to begin discovery.
- Be sure to make your discovery requests promptly so that the other party has enough time to answer or to object before the discovery deadline.
- Respond to any discovery requests you receive. A party who does not respond to a discovery request may be subject to court sanctions.
- Do not send copies of discovery requests or responses to the court unless the court directs you to do so.
- Send the requesting party a copy of the requested material and keep the original for your records.

### 3. *Trial*

After discovery, the other party may try to dismiss the case without a trial. If the judge denies the request, your case will proceed to trial. You will receive additional instructions from the assigned judge at that point.

## III. WHAT HAPPENS AFTER THE COURT DECIDES MY CASE?

### A. IF YOU LOSE

#### 1. *Appeal*

If your case is dismissed at any point, you can ask another court—the U.S. Court of Appeals for the Fourth Circuit—to hear your case and to reverse the judge’s decision.

To file an appeal, submit a Notice of Appeal to the Clerk’s Office along with either the appellate filing fee of \$455.00 or a request to proceed on appeal in forma pauperis. The [notice of appeal](http://www.mdd.uscourts.gov/sites/mdd/files/forms/NoticeofAppeal.pdf) form (<http://www.mdd.uscourts.gov/sites/mdd/files/forms/NoticeofAppeal.pdf>) and the [motion for permission to appeal in forma pauperis](http://www.mdd.uscourts.gov/sites/mdd/files/forms/MotionAppealInFormaPauperis.pdf) form (<http://www.mdd.uscourts.gov/sites/mdd/files/forms/MotionAppealInFormaPauperis.pdf>) are available on the court’s website or in the Clerk’s Office.

**Note:** Once your appeal is filed, you will be assigned a new case number and should direct all future filings to the U.S. Court of Appeals for the Fourth Circuit, 1100 East Main Street, Suite 501, Richmond, Virginia 23219-3517.

#### 2. *Paying Costs*

In some circumstances, the winning party may ask the losing party to pay attorneys’ fees or certain costs the winning party incurred during the litigation. These costs can include things such as deposition transcripts, witness fees, and copy expenses. In many cases, these costs can easily add up to thousands of dollars.

**Note:** Before filing suit, you should consider the consequences of losing.

## B. IF YOU WIN

If the court enters judgment in your favor, you may collect any monetary amount awarded as part of the judgment. Additionally, you may be able to be reimbursed for limited costs you spent litigating your case. The [Guidelines for Bills of Costs](http://www.mdd.uscourts.gov/sites/mdd/files/BillofCostsGuidelines.pdf) (<http://www.mdd.uscourts.gov/sites/mdd/files/BillofCostsGuidelines.pdf>) provides additional information about collecting costs; this document and the [bill of costs form](http://www.mdd.uscourts.gov/sites/mdd/files/forms/BillofCosts.pdf) (<http://www.mdd.uscourts.gov/sites/mdd/files/forms/BillofCosts.pdf>) are available on the court's website or in the Clerk's Office.

# IV. HOW DO I COMPLY WITH COURT PROCEDURES?

## A. FILING PROCEDURES

The court requires an original of each document filed. Pleadings are documents filed with the court that parties file either in support of their claim or in response to something filed by an opposing party. Pleadings and all other documents must be typed, printed, or legibly handwritten on 8 1/2 x 11 inch paper, and the pages must be sequentially numbered. Any documentation submitted with a pleading must be attached to the pleading and referred to in the pleading.

Pleadings and documents can be submitted in person or by mail at either the Baltimore or Greenbelt courthouse.

**Note:** Local Rule 102.2 provides additional information about formatting court documents. Federal Rule of Civil Procedure 6(d) extends the time for filing some documents by three days “[w]hen a party may or must act within a specific time after service and service is made” by mail, among other options under Rule 5(b)(2)(C), (D), or (F). Rule 6(d), however, does not apply when serving a document in person, electronically, or by leaving it the person's office or “dwelling or usual place of abode.” Fed. R. Civ. P. 5(b)(2)(A)-(E).

## B. COPIES OF COURT DOCUMENTS

Do not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office to be copied and returned. The fee for any copying of court documents done by the Clerk's Office is \$0.50 per page for paper documents and \$0.10 per page for electronic documents. Payment is due at the time of the copy request.

You can view any document in your case for free at one of the public terminals in either the Baltimore or Greenbelt courthouse.

### C. ADDRESS CHANGE

The court must be informed of any change of address. The Clerk's Office must have a current, correct address and telephone number in the file. In the event of a move, the court must be promptly notified of any change of status.

To notify the court of an address change, submit the [change of address form](#), available on the court's website at <http://www.mdd.uscourts.gov/sites/mdd/files/forms/ChangeofAddressSelfRep.pdf> or in the Clerk's Office. Alternatively, you can submit a letter or notice to the Clerk's Office.

### D. RULES TO FOLLOW

The [Federal Rules of Civil Procedure](#) and the court's [Local Rules](#) must be followed throughout the life of the case. These rules can be found on the court's [website](#) at <http://www.mdd.uscourts.gov/>.

Some additional tips for litigating your case:

- You must sign every document you file with the court. If more than one party is unrepresented, each unrepresented party must sign each document filed on behalf of that party.
- Filings should not be longer than 35 pages, unless you have received permission from the court. Most documents should be much shorter than 35 pages.
- You are expected to try to reach an agreement with the opposing party before asking the court to issue an order. For example, if you would like additional time to file something or if you are having a disagreement about discovery, you are expected to speak with opposing counsel before filing a motion.
- The Clerk cannot give unrepresented parties blank subpoenas. If you would like the court to issue a subpoena, you must submit a motion explaining who you would like to subpoena and why. Try to file your motion at least two weeks before you will need the subpoena.

**Note:** The Clerk's Office employees and chambers staff are prohibited from giving legal advice or acting as counsel in your case.

### E. COPIES OF PLEADINGS TO OPPOSING PARTY

After a defendant has been served, a copy of any pleading submitted to the court must also be sent to the defendant's attorney (or to the defendant, if unrepresented) in accordance with Rule 5 of the Federal Rules of Civil Procedure and Local Rule 102.1.c.

All pleadings must contain a Certificate of Service reflecting that a copy of the pleading has been sent to the opposing side. Here is a sample Certificate of Service:

<p style="text-align: center;"><i>Sample Certificate of Service</i></p> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p style="text-align: center;">I hereby certify that a copy of the foregoing Motion for Extension of Time was mailed this 1st day of July, 2010 to Samuel Barrister, counsel for Defendant John Doe, at 200 Saint Paul Place, Baltimore, MD 21202.</p> <p style="text-align: right;">_____ (signature)</p>
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<p><b>Note:</b> The Clerk is not permitted to forward copies of pleadings for any litigant.</p>
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## V. WHERE CAN I GET ASSISTANCE WITH MY CASE?

### A. COUNSEL

#### 1. *Appointed Counsel*

In a civil action, you are not entitled to have counsel appointed by the court. In exceptional circumstances, though, a judge may appoint counsel. If you would like a judge to consider appointing counsel to represent you, you should file a motion for appointing counsel, explaining why you need counsel and why you have been unable to locate counsel.

#### 2. *Hiring Counsel*

If you can afford to hire counsel but have been unable to locate counsel, many local bar associations have lawyer referral services. Some services offer consultations with attorneys at a reduced rate. Here is a list of lawyer referral services for each county in Maryland:

Allegany County	301-722-3390
Anne Arundel County	410-280-6961
Baltimore City	410-539-3112
Baltimore County	410-337-9100
Calvert County	410-685-7878 or 800-492-1964
Caroline County	410-479-1343
Carroll County	410-337-9100
Cecil County	410-392-4140
Charles County	301-609-9350
Dorchester County	410-685-7878 or 800-492-1964
Frederick County	410-337-9100
Garrett County	410-685-7878 or 800-492-1964
Harford County	410-836-0123
Howard County	410-313-2035
Kent County	410-685-7878 or 800-492-1964
Montgomery County	301-279-9100
Prince George's County	301-952-1440
Queen Anne's County	410-685-7878 or 800-492-1964
St. Mary's County	410-685-7878 or 800-492-1964
Somerset County	410-651-4618
Talbot County	410-685-7878 or 800-492-1964
Washington County	410-685-7878 or 800-492-1964
Wicomico County	410-685-7878 or 800-492-1964
Worcester County	410-685-7878 or 800-492-1964

### 3. *Legal Assistance Organizations*

There are several Maryland organizations that provide legal assistance to people who are unable to afford to hire counsel. Most of these organizations have income-eligibility requirements, and many only provide assistance with specific types of cases.

The largest legal services program in Maryland is the Legal Aid Bureau, Inc., which has several offices through the state. The central office is located at 500 East Lexington Street, Baltimore, MD 21202, or by phone at 410-539-5340.

The central office can refer you to the office closest to you. The Legal Aid Bureau does not accept cases where the only relief being sought is monetary damages.

For information about other legal services provides, visit the Maryland Legal Services Corporation's website at <http://www.mlsc.org/directory.htm> or by calling 310-576-9494.

<b>Note:</b> The Clerk's Office cannot recommend individual attorneys.
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## B. RESOURCES

### 1. *Court Self-Help Website*

A portion of the court's website is dedicated to providing information and assistance to unrepresented people trying to bring cases in this court. You can access the website from any location at <http://www.mdd.uscourts.gov/filing-without-attorney>, or by visiting either the Baltimore or Greenbelt courthouse.

### 2. *Case Documents and Docket*

You can view any document filed in your case or the case docket from one of the public terminals in either the Baltimore or Greenbelt courthouse. There is a fee of \$0.10 per page for getting a printed copy of any of these documents.

The information can also be access from other locations with an Internet connection through PACER, <http://www.pacer.gov>. Pages are viewable at the rate of \$0.10 per page.



### 3. *Law Libraries*

Both courthouses have public law libraries. The Baltimore courthouse library is open to the public Monday through Friday from 8:30 A.M. to 5:00 P.M. The Greenbelt courthouse library is open from 9:00 A.M. to 4:30 P.M. on Monday, Tuesday, Thursday, and Friday.

Each Maryland state circuit court also has a law library. Some of these libraries may be open to the public. You can access information about these libraries by visiting <http://www.lawlib.state.md.us/researchtools/otherlibraries.html>.

Additionally, the University of Maryland and the University of Baltimore law schools have law libraries open to the public, and many public libraries have basic legal materials that may assist you with your case.