

INFORMATION AND INSTRUCTIONS FOR FILING A CIVIL COMPLAINT IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH DAKOTA

The following information is provided to give you some help with court procedures and requirements. Each lawsuit filed with the Court is unique and must satisfy certain legal standards. You should not rely on this information to identify those standards. You should be especially mindful that there are certain time limits within which lawsuits must be brought, or in which to answer lawsuits brought by others. Failure to observe these time limits could be prejudicial and might result in your case being dismissed or otherwise decided against you.

I. INFORMATION REGARDING FILING A CIVIL COMPLAINT

JURISDICTION

The United States District Courts have limited jurisdiction to decide lawsuits. You should indicate what grounds you have for filing in federal court, if you know them.

VENUE

The word "venue" refers to the geographic area over which a court has authority. The federal district courts each have their own venue and there are strict rules on where you may file your complaint. If you do not comply with these rules, your action may be transferred to another district court or dismissed. You should check the federal venue statutes, 28 U.S.C. §§ 1391 - 1412, or the statute under which you are proceeding for the proper venue before filing your action.

RULES OF COURT

If you file a complaint in the District of South Dakota, you must follow the Federal Rules of Civil Procedure, as well as the Local Rules of Practice. Even if you proceed pro se (representing yourself without an attorney), you must follow these rules. You may find both the federal rules and local rules online. You may receive a copy of the local rules upon request.

FILING FEE AND PROCEEDING WITHOUT PREPAYING FEES OR COSTS

The fee for filing an action in a United States District Court is \$402. A check or money order should be made payable to "Clerk, United States District Court." If you pay the \$402 filing fee, you will be responsible for service of the summons and complaint upon each defendant. You may request that the defendant(s) waive service. Please review Rule 4 of the Federal Rules of Civil Procedure in regards to service and waiver of service. If a defendant fails to waive service, you will still be responsible for serving a copy of the complaint and a summons on the defendant.

If you are financially unable to pay the filing fee, you may request the court to file your action without prepayment of costs. (One whose complaint is filed without the payment of the

filing fee is said to proceed in forma pauperis). To apply for in forma pauperis status, complete the Application to Proceed in District Court Without Prepaying Fees or Costs. **(NOTE: Each plaintiff named in your complaint must submit a separate application if the complaint is to be filed in forma pauperis).**

APPOINTMENT OF COUNSEL

A pro se litigant does not have an absolute right to a court-appointed attorney. The court may, in its discretion, appoint an attorney to represent you. To file a motion for appointment of counsel, complete the motion form and mail the original to the Clerk of Court. This form is optional.

LEGAL ADVICE

The Clerk of Court, Clerk's Office, Judges and Magistrate Judges are precluded from give legal advice to litigants. You should seek legal advice from an attorney or a legal clinic. It is inappropriate to communicate or attempt to communicate directly with the judge assigned to your case concerning matters that may come before the Court.

II. INSTRUCTIONS FOR FILING CIVIL COMPLAINT

REQUIRED ITEMS TO FILE A CIVIL COMPLAINT:

- 1) Complaint with original signature;¹
- 2) Civil cover sheet; and
- 3) Summons; or,
- 4) Filing fee or Application to Proceed in District Court Without Prepaying Fees or Costs.

COMPLAINT FORM

To file a complaint, complete the complaint form and mail the original to the Clerk of Court. The complaint must:

- 1) be typed or legibly written;
- 2) be signed by each plaintiff; and
- 3) conform to the instructions in the "Filing Fee and Proceeding Without Prepaying Fees or Costs" section above.

The heading should identify the court, including the appropriate division, and the parties. The body should contain a short and plain statement of the grounds for the court's jurisdiction along with a short and plain statement of the claim showing that you are entitled to relief. The prayer for relief should state the relief you are requesting. Each plaintiff **must** sign and date the complaint.

¹ You only need to send the original. We do *not* need copies.

You should answer all questions concisely and to the best of your ability. If you need extra space to answer a question, insert an additional page in the appropriate place. Do not use the back of the page unless you cannot obtain blank paper. Do not name as a plaintiff in your complaint any other person, unless he or she is raising claims which arise from the same incident or involve the same issue as the claim raised in your complaint. Remember, each plaintiff must sign the complaint.

A. PERSONAL IDENTIFIERS

Please refrain from using complete personal data identifiers in your pleadings. Personal identifiers include social security numbers (only the last four numbers should be used), names of minor children (only the initials of the child should be used), dates of birth (only the year should be used), and financial account numbers (only the last four digits should be used).

B. JURY DEMANDS

Depending on your claim and the type of relief you are seeking, you may be entitled to a trial by jury. However, you may lose your right to a jury trial if you do not request it early in the proceeding. If you want a jury trial, you should check “yes” in response to the question 8 on page four of your complaint.

CIVIL COVER SHEET FORM

This form is important because it provides us with information we need to open your case. It also gives the Court an overview of the basis for your civil lawsuit. Please follow the detailed instructions which accompany the form.

SUMMONS FORM

The rules require that the Clerk of Court issue the summons. It is your responsibility, however, to complete the summons form. You must complete a summons form for each defendant in the case. In addition to providing a blank summons form, we have provided a sample completed form with instructions.

A. SERVICE OF THE SUMMONS AND COMPLAINT

When you pay the filing fee and provide the Clerk's office with a properly completed summons, the summons will be issued, and returned to you for service. Service of the summons and complaint are your responsibility. Service of the summons and complaint should proceed according to Rule 4 of the Federal Rules of Civil Procedure. If you are suing the United States, Its Agencies, Corporations, Officers, or Employees, you must comply with subsection (i) of Rule 4. After service on each defendant is completed, you must complete the proof of service portion of the summons and file it with the Clerk of Court.

If you are granted leave to proceed without prepayment of fees you will be advised of the procedure used for service on each defendant in the Court's order, which will be mailed to you as soon as it is entered on the docket.

When you have completed your documents, you may mail or hand-deliver them to one of the following three divisional Clerk of Court offices:

Clerk, United States District Court
400 South Phillips Avenue
Room 128
Sioux Falls, SD 57104
Telephone (605) 330-6600

Clerk, United States District Court
Andrew W. Bogue Federal Bldg.
& United States Courthouse
515 Ninth Street
Rapid City, SD 57701
Telephone (605) 399-6000

Clerk, United States District Court
225 South Pierre Street
Room 405
Pierre, SD 57501
Telephone (605) 945-4600

III. CM/ECF PRO SE LITIGANT APPLICATION FORM

While the forms discussed above are required, this form is optional. If you would like to receive electronic notice of documents filed in your case, you must complete and return the CM/ECF Pro Se Litigant Application Form. There is **Important Information** on page two of the form. By completing and returning the form, you are consenting to service of court orders, judgments, pleadings, and other papers filed by electronic means in lieu of paper copies.

In addition to applying to receive electronic notice, you may also apply to file electronically. The judge assigned to your case will decide whether or not to grant this request.

IV. FILING OF DOCUMENTS AFTER SERVICE HAS BEEN ISSUED

Documents filed with the Clerk of Court after service has made on each defendant must be filed in the form of a pleading, such as a motion, notice, memorandum, etc. Each pleading must contain the Court's heading and case number at the top. These pleadings can be handwritten or typed, but they must be legible and contain your original signature. All documents and correspondence submitted to the Clerk's Office for filing should be on letter-sized paper (8½ x 11 inches). Do not use legal-size (8½ x 14 inches) paper. You only need to send the original. We do not need copies.

Discovery requests, such as interrogatories and requests for production of documents, and responses to discovery requests cannot be filed with the court. Instead, you must mail discovery requests and responses directly to counsel for the Defendant. Do not mail discovery requests to Defendant or defendant's counsel until after the defendant has filed an Answer or Motion to Dismiss.

You must serve each defendant or their counsel with a copy of every pleading, letter or other document submitted to the Court for consideration. The original of the document you are filing should include a Certificate of Service at the end of the document.

The **Certificate of Service** portion of your document should be in the following form:

Certificate of Service

I hereby certify that a copy of the foregoing document was mailed this ___day of (month), (year), to:

Name: _____

Address: _____
(Attorney for Defendant)

(Your Signature)

CHANGE OF ADDRESS

To ensure prompt delivery of court documents, you must inform the Court of any change of address. Failure to do so will prevent the Court from notifying you of developments in your case and may result in dismissal of your action.

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

_____ DIVISION

(Enter the full name of the Plaintiff[s] in this action)
vs.

(Enter the full name of **ALL** Defendant[s] in this
action. Fed. R. Civ. P. 10(a) requires that the
caption of the complaint include the names of all
the parties. Merely listing one party and “et al.” is
insufficient. Please attach additional sheets if
necessary.)

Case No. _____
(To be assigned by
Clerk of District Court)

COMPLAINT

- I. State the grounds for filing this case in Federal Court (include federal statutes and/or U.S. Constitution provisions, if you know them. Fed .R .Civ. P. 8(a)(1) requires a short and plain statement of the grounds for the court’s jurisdiction.):

II. Plaintiff, _____ resides at

(street address)

_____, _____,

(city)

(county)

_____, _____,

(state)

(zip)

(telephone number)

(If more than one plaintiff, provide the same information for each plaintiff below)

III. Defendant, _____ resides at, or its business is located at

(street address)

_____, _____,

(city)

(county)

_____, _____,

(state)

(zip)

(telephone number)

(If more than one defendant, provide the same information for each defendant below)

-
- This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- [illegible]

VI. MONEY DAMAGES:

A) Do you claim either actual or punitive monetary damages for the acts alleged in this complaint?

YES []

NO []

B) If your answer to “A” is YES, state below the amount claimed and the reason[s] you believe you are entitled to recover such monetary damages:

VII. Do you maintain that the wrongs alleged in the complaint are continuing to occur at the present time?

YES []

NO []

VIII. Are you requesting a Jury Trial?

YES []

NO []

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

Signed this ____ day of _____, 20__

Signature of Plaintiff[s]

CIVIL COVER SHEET

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.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)* _____

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)* _____

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question *(U.S. Government Not a Party)*

☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

	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	PERSONAL INJURY <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 PERSONAL INJURY <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 PERSONAL PROPERTY <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 LABOR <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 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<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 (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <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 <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <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	CIVIL RIGHTS <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 PRISONER PETITIONS Habeas Corpus: <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 Other: <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			

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 _____

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.
- 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.

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
)
)
)
)
)
)
)
)
)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

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:

UNITED STATES DISTRICT COURT

for the

District of South Dakota

Abe Bento

Plaintiff(s)

v.

Christine Dietz and Elmer
Fudd

Defendant(s)

Civil Action No. 17-5001

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Christine Dietz
123 Gateway Avenue
Casper, WY 82605

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Abe Bento
456 High Street
Rapid City, SD 57701

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Under Rule 4 (1) of the Federal Rule of Civil Procedures, a summons must: (A) name the court and the parties; (B) be directed to the defendant; (C) state the name and address of the plaintiff's attorney or—if unrepresented—of the plaintiff; (D) state the time within which the defendant must appear and defend; (E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint; (F) be signed by the clerk; and (G) bear the court's seal.* If plaintiff uses the AO 440 form, subsections (D) and (E) are satisfied

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff/Petitioner

v.

Defendant/Respondent

)
)
)
)
)

Civil Action No. _____

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Long Form)

Affidavit in Support of the Application

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.

Signed: _____

Instructions

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.

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 (<i>such as rental income</i>)	\$	\$	\$	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$

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

Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
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.

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

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	\$	\$

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: _____

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
_____ DIVISION

Plaintiff)	
)	
)	
vs.)	
)	Case No. _____
)	
)	
)	
Defendant(s))	

MOTION FOR APPOINTMENT OF COUNSEL
AND AFFIDAVIT IN SUPPORT

I, _____, hereby apply for appointment of Counsel. In support of my application I declare under penalty of perjury that the following facts are true:

1. I am the plaintiff in the above-entitled case and I believe I am entitled to redress.
2. Because of my poverty I am unable to pay a reasonable attorney fee.
3. I have made diligent efforts to obtain legal counsel, but because of my poverty I have been unable to secure same. The attorneys I contacted are:
 - a.
 - b.
 - c.
 - d.

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

Executed on _____, 20__.

Signature of Plaintiff



**UNITED STATES DISTRICT
COURT
DISTRICT OF SOUTH DAKOTA**



**PRO SE LITIGANT
REGISTRATION FORM
FOR ELECTRONIC NOTICE**

This registration form is intended for non-prisoner pro se litigants who want to receive electronic notice when documents are filed in their pending case(s) in U.S. District Court in the District of South Dakota.

The U.S. District Court for the District of South Dakota utilizes an electronic filing system called Case Management/Electronic Case Files (CM/ECF) system to store electronic civil and criminal case files. If you are a non-prisoner pro se litigant who wants to receive electronic notice of documents filed in your case(s) in CM/ECF, please read and complete this registration form and submit it to the Clerk's Office at the address indicated on the bottom of the form. By signing and returning this form, you agree to abide by all its terms and conditions. Anyone who submits this form is considered a registered CM/ECF user in accordance with Federal Rule of Civil Procedure 5(b).

REQUIRED INFORMATION

First/Middle/Last Name: _____

Name and Number of Pending Cases: _____

Address: _____

Telephone Number: _____

Primary Email Address for Electronic
Notice: _____

Secondary Email Addresses for
Electronic Notice: _____

TERMS AND CONDITIONS

- This registration form only pertains to U.S. District Court in the District of South Dakota.
- I consent to service of court orders, judgments, pleadings, and other papers filed in my case(s) by electronic means in accordance with the provisions of Federal Rule of Civil Procedure 5(b), Federal Rule of Civil Procedure 77(d), and Federal Rule of Criminal Procedure 49(c).
- I agree to receive a Notice of Electronic Filing (NEF) email whenever a document is filed in one of my case(s). I understand I will have one opportunity to view the document for free by clicking *once* on the document number hyperlink contained in the NEF. After that, I understand I will be charged an applicable PACER access fee for viewing the document.
- I understand I must register for a PACER account through the PACER Service Center website at www.pacer.uscourts.gov or at 1-800-676-6856. A PACER account may be necessary to view certain documents and information entered in CM/ECF.
- I understand I must notify the Clerk's Office anytime there is a change to my primary and/or secondary email addresses for receiving electronic notice in this court. I also understand my mail boxes must be configured to accept delivery of electronic notice from the CM/ECF system at all times. I understand the Clerk's Office will make an attempt to resend bounced or failed emails but will not be held responsible for NEFs that fail to reach me because of such failures.
- Unrestricted documents, docket sheets, and other information filed in any U.S. District Court are available for viewing through PACER at www.pacer.uscourts.gov. Applicable PACER access fees apply. Unrestricted documents, docket sheets, and other information filed in U.S. District Court in the District of South Dakota are also available for viewing for free at the public access terminals located in the Clerk's Offices in Sioux Falls, Rapid City, and Pierre.
- I consent to entry of my primary and secondary email addresses into this court's mass emailing system.
- By contacting the Clerk's Office, I may request termination of electronic notice at any time.

Pro Se Litigant's Signature

Date

Please Mail Original Form To:

Clerk's Office, U.S. District Court
District of South Dakota
400 South Phillips Ave., Room 128
Sioux Falls, SD 57104