

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

**DIRECTIONS FOR PLAINTIFFS COMPLETING THE FORMS FOR NOTICE
OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS
AND
WAIVER OF SERVICE OF SUMMONS**

Amendments to Rule 4 of the Federal Rules of Civil Procedure, which went into effect on December 1, 1993, now allow a defendant to waive service of summons. In connection with this rule, two forms are offered by the Court: (1) ***Notice of Lawsuit and Request for Waiver of Service of Summons***, which should be completed by the plaintiff; and (2) ***Waiver of Service of Summons***, which should be completed by the defendant. ***IF THE DEFENDANT IS THE FEDERAL GOVERNMENT OR ONE OF ITS AGENCIES OR EMPLOYEES, STOP HERE!!! YOU MUST USE THE SUMMONS FORM AND THESE INSTRUCTIONS SHOULD BE DISREGARDED.***

This new rule affects the manner in which the United States Marshals Service (USMS) will conduct service of process once ordered by the Court. Where a plaintiff is authorized to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a) and the Court orders the Federal Marshal to effect service of process, the Federal Marshal will now first attempt to have service of summons waived by the defendant by sending the two forms (***Notice of Lawsuit and Request for Waiver of Service of Summons*** and ***Waiver of Service of Summons***) to the defendant before attempting personal service.

As of June 15, 1994, a litigant who wishes to proceed in forma pauperis is now required to accompany his or her complaint with a properly completed ***NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS*** form and ***WAIVER OF SERVICE AND SUMMONS*** form for **EACH** defendant named in the complaint. If the complaint names any defendant in both individual and official capacities, **two (2) NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS** forms and **two (2) WAIVER OF SERVICE OF SUMMONS** forms must be completed for that defendant.

**SEE REVERSE SIDE FOR COMPLETE INSTRUCTIONS
ON HOW TO FILL OUT THE FORMS**

A. COMPLETING THE NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS [Form AO 398]

1. Fill in District of Connecticut under “United States District Court” and provide the case caption, including the docket number, at the top of the form.
2. The “To” line requires the name of the defendant from whom the waiver is requested. If the defendant is being sued under 42 U.S.C. § 1983, specify if the defendant is being sued in his or her “individual” or “official” capacity. If the defendant is being sued in both their individual and official capacity, you must complete two forms for each defendant. One in their individual capacity and one in their official capacity.
3. Provide a return date for the Waiver in the blank in the second paragraph. Give 30 days or at least 60 days if the defendant is outside any judicial district of the United States.
4. Complete the signature information at the bottom of the page. The information is for the unrepresented (pro se) plaintiff or the attorney for the plaintiff. The date should be the date the notice form is mailed to the defendant. If the US Marshal is to serve for in forma pauperis litigant, the U. S. Marshal’s office will fill in this date.

B. COMPLETING THE WAIVER OF SERVICE OF SUMMONS FORM

1. Fill in District of Connecticut under “United States District Court” and provide the case caption, including the docket number, at the top of the form
2. The “To” line requests the name of the unrepresented (pro se) plaintiff or the attorney for the plaintiff. This is the person to whom the waiver will be returned.
3. Insert the date the forms are mailed in the blank in the fourth paragraph. If the U.S. Marshal is to serve for in forma pauperis litigant, the U.S. Marshal’s office will fill in this date.
4. **Leave the DATE AND SIGNATURE lines blank.** This section is to be completed by the defendant.

Complaints submitted to the court without properly completed forms, will be returned to the plaintiff, unprocessed.