

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Guide for
Pro Se Litigants

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UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

Guide for Pro Se Litigants

INTRODUCTION

The information in this guide is provided for individuals who are representing themselves, either as plaintiff or defendant, in civil actions in the District of Connecticut without the assistance of an attorney. Plaintiffs and defendants in court cases generally are referred to as parties or litigants. Parties who choose to represent themselves are referred to as *pro se* parties or *pro se* litigants or, more specifically, *pro se* plaintiffs or *pro se* defendants. *Pro se* is a Latin phrase meaning “for yourself.”

This Guide will not answer all of your questions about what you need to do to represent yourself effectively as a *pro se* litigant. It is intended only as an informative and practical resource. It is **not** a substitute for legal advice from an experienced attorney. The information should be read and used in conjunction with the Federal Rules of Civil Procedure, the District of Connecticut Local Civil Rules and the specific practices of the judge assigned to your case. The Federal Rules of Civil Procedure may be found in public libraries, the law libraries in various state courthouses or on the internet at <http://www.law.cornell.edu/rules/frcp>. The District of Connecticut Local Civil Rules may be found on the court’s website, <http://www.ctd.uscourts.gov>. You may purchase a copy of the Local Rules from the Connecticut Bar Association. The specific preferences of the assigned district judge will be provided to you when you file your case. Any links to other websites in these materials are for informational purposes only. The District of Connecticut is not responsible for the accuracy of the information contained on other websites.

Self-representation carries certain responsibilities and risks. *Pro se* litigants should carefully review those risks and educate themselves regarding possible consequences. Rule 11 of the Federal Rules of Civil Procedure prohibits filing lawsuits that are clearly frivolous or filed merely to harass an individual. If, after reviewing your complaint, the court determines that you have filed a lawsuit for an improper or clearly unnecessary purpose, it may impose sanctions against you. These sanctions may include ordering you to pay a fine to the court or pay legal fees of the person or persons

against whom you filed the lawsuit. In certain types of cases, such as employment discrimination cases, if you lose, you may be required to pay the legal fees of the winning party. In all cases, if you lose, you may be required to pay some of the costs the winning party incurred during the course of the lawsuit.

THE COMPLAINT

In a civil rights action, the court can grant relief only for deprivations of a federal constitutional or statutory right by a person acting under color of state or federal law. Your complaint can be brought in this court only if one or more of the named defendants is located within this judicial district. The District of Connecticut includes all of Connecticut.

The district court has several complaint forms available:

- a form for filing a civil rights action pursuant to 42 U.S.C. § 1983 or pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331;
- a form for filing an employment discrimination action;
- a form for filing an action appealing a final determination of the Social Security Commission; and
- a general form to help you in filing any other federal civil action.

You should obtain the appropriate form from the Clerk's Office or the court's website, www.ctd.uscourts.gov.

The complaint must be typewritten or legibly handwritten on 8½" x 11" paper. All questions must be answered clearly and concisely in the appropriate space on the form. If necessary, the answer to a particular question may be continued on an additional blank page. If additional pages are used, you must clearly indicate which question is being continued. You must include all grounds for relief and concisely state all facts supporting such grounds for relief in the complaint. You should not include legal argument or case citations.

You may, but are not required to, attach as an exhibit to your complaint any written document you have referred to in your complaint which you would like to make part of the complaint. Any exhibit will not be returned to you. Therefore, you should attach a copy of the document as an exhibit and retain the original in your records.

All plaintiffs and defendants must be listed in the caption of the complaint. You

must indicate whether each defendant is being sued in his individual capacity, official capacity, or both. You must also provide a current address for each defendant. If there is more than one defendant, you should indicate clearly in the body of the complaint which actions are attributable to each defendant.

It is your responsibility to determine the identity of any and all defendants you wish to sue. If you do not know the name of one, or more, defendant at the time you file the complaint, you may list him or her in the case caption as “John Doe” or “Jane Doe.” Once you determine the identity of the defendant, you should file a Motion to Amend seeking permission from the court to file an amended complaint including the full name and address of the “John Doe” defendant.

In addition to these general directions, you should follow all specific directions included on the complaint form. You must sign the complaint and the declaration under penalty of perjury. Your signature should be followed by your complete mailing address and telephone number. You are cautioned that any intentionally false statement of a material fact may serve as a basis for prosecution and conviction for perjury. You should exercise care to assure that all answers are true, correct and complete.

You must provide the court with the original complaint. You should keep a copy of the complaint for your own records. If you pay the filing fee, copies to be served on the defendants can be file stamped by the Clerk’s Office at the time of filing.

When your complaint is completed, it should be mailed or delivered with the filing fee or motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. §1915 and other forms to the Clerk’s Office in any seat of court. The Clerk’s Offices are open to the public between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding federal holidays.

The addresses of the three seats of court are:

Office of the Clerk
United States District Court
915 Lafayette Blvd.
Bridgeport, CT 06604
(203) 579-5861

Office of the Clerk
United States District Court
450 Main Street
Hartford, CT 06103
(860) 240-3200

Office of the Clerk
United States District Court
141 Church Street
New Haven, CT 06510
(203) 773-2140

THE FILING FEE AND 28 U.S.C. § 1915

These instructions are for non-prisoners seeking leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. A prisoner is any person incarcerated or detained in any facility. If you are a prisoner, you must obtain from the Clerk’s Office or the court website, www.ctd.uscourts.gov, a copy of the instructions and forms specifically

designed for civil actions filed by prisoners.

The complaint must be accompanied by the full \$400.00 filing fee. If you want to commence an action without prepayment of fees or security therefor, you must file a Motion for Leave to Proceed *In Forma Pauperis* pursuant to 28 U.S.C. § 1915 and a Financial Affidavit. The court cannot consider the merits of the claims asserted in any complaint filed without either the \$400.00 filing fee or a properly completed motion and affidavit.

The motion and affidavit for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 must be typewritten or legibly handwritten. All questions must be answered clearly and concisely in the appropriate space on the form. You must sign the motion and affidavit. You should exercise care to assure that all answers are true, correct and complete.

Section 1915(e)(2) requires the court to review the merits of any complaint sought to be filed *in forma pauperis* to assure that the complaint is not frivolous. Thus, the motion to proceed *in forma pauperis* and your complaint will be reviewed by a Magistrate Judge. First, the Magistrate Judge will determine whether you should be permitted to commence the action *in forma pauperis*. If the Magistrate Judge grants your motion to proceed *in forma pauperis*, he or she will then conduct an initial review of the complaint to determine whether the action is frivolous. If the Magistrate Judge determines that all or part of the complaint is frivolous and should be dismissed, he or she will issue a Recommended Ruling of dismissal for the District Judge's consideration.

If your motion to proceed *in forma pauperis* is granted and a Recommended Ruling of dismissal is issued, you will receive a copy of the Recommended Ruling by mail. You have fourteen (14) calendar days to object to the Recommended Ruling. In the objection, you should explain why you think that the claims identified as frivolous have merit and should be allowed to proceed. After reviewing the Recommended Ruling and your objection, the District Judge will issue a decision. If the Magistrate Judge recommended that the entire complaint be dismissed and either you do not object or the District Judge approves and adopts the Recommended Ruling over your objection, your case will be closed and no defendants will be served. If, however, the District Judge declines to adopt the Recommended Ruling, or approves and adopts a Recommended Ruling that dismissed only some of the claims in the complaint, the case will proceed as to the remaining claims. Because you were granted leave to proceed *in forma pauperis*, you are not required to pay the filing fee to commence your action and are entitled to have the U.S. Marshal serve the complaint. The service process is explained in the following section.

If the Magistrate Judge determines that your motion to proceed *in forma pauperis* should be denied, he or she will issue a Recommended Ruling denying the motion. You will receive a copy of the Recommended Ruling by mail. If you disagree with the

Recommended Ruling, you must serve and file an objection within fourteen (14) calendar days. In your objection, you should explain why you disagree with the Recommended Ruling and why you cannot afford to pay the filing fee. If the District Judge declines to adopt the Recommended Ruling, your motion to proceed *in forma pauperis* will be granted and the court will review the merits of the complaint. If the District Judge approves and adopts the Recommended Ruling, you will be ordered to pay the filing fee within thirty (30) days. If you do not pay the filing fee within the thirty-day period, your case will be dismissed without prejudice. If you do timely pay the fee, you will be responsible for serving the complaint in the manner described in the next section.

The Magistrate Judge also may recommend that the motion to proceed *in forma pauperis* be denied because there is some deficiency in the motion or other documents submitted with the motion. Again, you will have fourteen (14) calendar days to serve and file an objection to the Recommended Ruling. If the District Judge approves and adopts the Recommended Ruling, you will be ordered to correct the deficiencies within thirty (30) days. If you do so, the corrected motion to proceed *in forma pauperis* will be returned to the Magistrate Judge for review. The review of the corrected motion and complaint will proceed as described above.

Pro se litigants are **not** exempt from other fees and costs in their actions including but not limited to copying and witness fees and discovery expenses. *Pro se* litigants must provide identical copies of documents that must be served on the parties named in their lawsuits. If you cannot afford to pay for copies, you must handwrite copies of these documents for service on the other parties to the action. Even if you believe that you cannot afford to pay for copies of documents, neither the court nor the Clerk's Office can make copies for you free of charge. You also must pay for a copy of any document that you want from the court file. Therefore, you should always keep for your records a copy of any document you send to the court or the Clerk's Office.

SERVICE OF YOUR COMPLAINT

If you are granted leave to proceed *in forma pauperis*, the court will order the U.S. Marshal Service to serve the complaint on the defendants. After your motion is granted, the Clerk's Office will mail you service documents and instructions for completing the service documents. After you complete the documents and return them to the court, the Clerk's Office will forward the documents to the U.S. Marshal for service on the defendants. Service cannot be effected on a defendant identified as John Doe. If one of your defendants cannot be served, you cannot prevail in your lawsuit against that defendant. It is your responsibility to provide the U.S. Marshal Service with the correct names and addresses for the defendants. The U.S. Marshal cannot serve a defendant when the only address provided is a Post Office Box. You must include a street address for each defendant. If you submit service documents

listing only a P.O. Box address, the documents will be returned to you. The U.S. Marshal Service will not conduct an independent investigation to locate a defendant for you or to verify the accuracy of the information you provide. The service process may take several weeks.

If you have paid the filing fee, you are responsible for serving your complaint on the named defendants. You have 120 days from the date you filed your complaint to serve the complaint on the defendants. If you fail to effect service within that time, your case may be dismissed.

If the defendant is an individual, corporation or association, the Federal Rules of Civil Procedure permit you to request that the defendant waive personal service of the complaint. Section I describes the procedure to follow when you are requesting that the defendant waive service. All other defendants, including the United States and any federal government agency, any federal, state or local officials sued in their official capacity, as well as any defendant who declines to waive service in his individual capacity, must be personally served. Section II describes this procedure. Detailed instructions for service of process are set forth in Rule 4 of the Federal Rules of Civil Procedure. You should carefully review Rule 4 in addition to the procedures set forth below to make sure that you are familiar with all of the service requirements. If these requirements are not followed correctly, the case can be dismissed for failure to effect proper service.

I. Waiver of Service of the Complaint

To request waiver of service of the complaint, you must complete two forms. These forms and instructions on how to complete the forms are available in the Clerk's Office and on the court's website, www.ctd.uscourts.gov. The first form is entitled Notice of Lawsuit and Request for Waiver of Service of Summons. The second form is entitled Waiver of Service of Summons. You must complete both forms for each defendant in his or her individual capacity. For example, if you are suing a John Smith in his individual capacity and his official capacity, you must complete one set of forms for Mr. Smith in his individual capacity. For his official capacity, you must follow the procedure in Section II.

Notice of Lawsuit and Waiver of Service of Summons forms may not be used when the defendant is the United States, a federal government agency or a federal government official or employee sued in his official capacity. You may request waiver of service of summons from a federal government official or employee sued in his individual capacity. Please note, however, that if the federal government official or employee waives service of summons, you still must serve the United States as provided in Section II to complete service on that defendant in his individual capacity.

In addition to completing the forms, you must send each defendant certain documents. To request waiver of service from a defendant, you must send the

following items to that defendant by first class mail or by other reliable means:

- the properly completed Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons forms,
- an extra copy of the forms for the defendant to retain,
- a self-addressed stamped envelope so the defendant can return the original notice and signed waiver of service form to you, and
- a copy of the complaint including any exhibits or attachments and any other motions that you filed with the complaint.

When you receive the signed forms from the defendant, you must file the **originals** with the court. This will inform the court that the defendant has waived service of the complaint and that you have fulfilled your requirement to effect service of the complaint within 120 days of the date the complaint was filed.

If the defendant fails to return the waiver form within the time specified in the Notice of Lawsuit and Request for Waiver of Service of Summons form, you must personally serve that defendant by following the instructions in Section II.

II. Personal Service of the Complaint

If the complaint must be personally served on a defendant, you must first obtain a summons form from the court, complete the form and have the summons **issued** by the Clerk's Office. You will need one summons for each defendant in each capacity in which you are personally serving that defendant. For example, assume that you are suing a John Smith in his individual capacity and his official capacity. If Mr. Smith has returned a signed waiver of service form, you will need only one summons form to personally serve Mr. Smith in his official capacity. If Mr. Smith has not returned a signed waiver form, you will need two summons forms for Mr. Smith, one for individual capacity and one for official capacity.

Rule 4(c)(2) of the Federal Rules of Civil Procedure provides: "Service may be effected by any person who is not a party and who is at least 18 years of age." Thus, you cannot personally serve the complaint. You may also make arrangements to have your complaint served by a state marshal or process server over the age of eighteen.

The rules regarding service of the summons on various categories of defendants are contained in Rule 4(e) - 4(j) of the Federal Rules of Civil Procedure. If the defendant in your case is not described below, you should consult Rule 4 for specific information on service of that defendant.

- **Individual located within the United States:** The person making service

may (1) deliver a copy of the summons, complaint and any attachments to the individual personally **or** (2) leave a copy of the summons, complaint and any attachments at the individual's home with some person of suitable age and discretion who also lives there **or** (3) deliver a copy of the summons, complaint and any attachments to an agent authorized by law to accept service on behalf of the defendant. In addition, he may serve the summons and complaint as required by Connecticut law or the law of the state in which the defendant is located.

- **Domestic Corporation, Partnership or Unincorporated Association located within the United States:** The person making service should deliver a copy of the summons, complaint and any attachments to an officer, managing or general agent or any other agent authorized, by appointment or by law, to receive service. If this agent is authorized to accept service by law, you, or the person making service, must comply with all provisions of that law. For example, if the law requires that a copy of the summons, complaint and any attachments be mailed to the defendant, you must mail these copies. This compliance with the statute is in addition to the method of service described above. In the alternative, service may be effected in accordance with Connecticut law or the law of the state in which the defendant is located.
- **United States:** The person making service should deliver three copies of the summons, complaint and any attachments to the United States Attorney for the District of Connecticut, at any one of the three offices: 157 Church Street, 23rd Floor, New Haven, Connecticut 06510; 450 Main Street, Room 328, Hartford, Connecticut 06103; or 915 Lafayette Boulevard, Bridgeport, Connecticut 06604; **and** send two copies of the summons, complaint and any attachments by registered or certified mail to the Attorney General of the United States at 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530. In addition, if your complaint challenges the validity of an order issued by a federal government officer or agency, which is not included as a defendant, you must send a copy of the summons, complaint and any attachments by registered or certified mail to the officer or agency.
- **Federal Government Agency or Corporation or Federal Government Official or Employee who is sued in his Official Capacity:** The person making service should serve the United States as described above, **and** send a copy of the summons, complaint and any attachments by registered or certified mail to the officer, employee, agency or corporation. Thus, if you are suing a federal government agency or corporation, or if you are suing a federal government official or employee in his official capacity only, you will need six sets of copies for that defendant.

- **Federal Government Official or Employee sued in his Individual Capacity:** The person making service should serve the United States as described above **and** serve the individual as described above. Thus, if you are suing a federal government official or employee in his individual capacity only, you will need six sets of copies for that defendant. If you are suing a federal government official or employee in both his individual and official capacities, you will need seven sets of copies for that defendant.
- **State or Municipality or Other State or Local Government Entity that is subject to suit in federal court, or a State or Local Government Official in his official capacity.** The person making service should deliver a copy of the summons, complaint and any attachments to the chief executive officer, **or** follow the instructions provided in state law for serving this entity.

After the defendant has been served, the person who effected service must execute an affidavit, or complete the return of service and declaration on the back of the original summons. You must file the affidavit or return with the court to inform the court that you have fulfilled your requirement to effect service of the complaint within 120 days of the date the complaint was filed.

MOTIONS

Filing and service the complaint are the first steps in your lawsuit. After that, if you want the court to take any action you must file a motion. You cannot obtain relief by telephoning the Judge or Clerk's Office or simply writing a letter.

A motion is a request to the court to issue an order directing that an action be performed or permitting a litigant additional time to comply with prior court orders. One party, called the "movant," will file a motion explaining what he wants the court to do and why the court should do it. If the other party disagrees with the request, he will file a response explaining why the relief requested should not be granted. The judge may schedule a hearing on the motion requiring the parties to attend or may decide the motion without a hearing. While a party may request a hearing, the judge will decide whether he or she needs a hearing to decide the motion. Most of the time, a hearing is not necessary.

Every motion must include the case caption which includes the names of the parties, the court, the case number and the date. Unlike the complaint, where you must list the name of every defendant, on motions, memoranda or other documents filed in the case, you can list the name of the first defendant followed by "et al." The caption also must include the case number which includes the initials of the assigned district

judge. An example of a case caption is:

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JANE DOE,	:	
Plaintiff,	:	
	:	
v.	:	Civil Case No. 3:08cv1234 (ABC)
	:	
JOHN SMITH, et al.,	:	
Defendants.	:	Date

Every motion also must include a title explaining what you want the court to do. For example, if you want additional time to respond to a motion or discovery requests, your title would be "Motion for Extension of Time." In the first paragraph of the motion, you should clearly identify yourself, *e.g.*, "Jane Doe, plaintiff," and state precisely the relief you request, *e.g.*, "I seek an extension of time of thirty days to respond to defendants' motion for summary judgment." If you are not specific and concise, the court may not understand what relief you are seeking and deny your motion. The next paragraphs should state any facts or law that you think support your position. If necessary, you may attach copies of documents to your motion. If a document is lengthy, you should attach only the relevant portion so the judge will read only the information required for him or her to make a decision. This same procedure should be followed if you are responding to a motion filed by opposing counsel. For example, your title might be "Memorandum in Opposition to Defendants' Motion to Dismiss." A sample motion follows this section.

You must sign and file an original of all motions, pleadings, correspondence or other documentation in the seat of court in which the district judge who has been assigned to your case sits. When you file your complaint, you will be provided a notice informing you of the district judge to whom your case has been assigned and the seat of court in which he or she sits.

You must furnish the opposing party or his or her attorney with a copy of all documents submitted to the court. The Clerk's Office will not serve your motion for you. Each original document (except the original complaint) must include a certificate stating the date a copy of the document was mailed to the opposing party or his or her attorney and the address to which it was mailed. Any document which fails to include a certificate of service may be disregarded by the court or returned. An example of a certificate of service is:

I hereby certify that a copy of the foregoing pleading/document was mailed to:
(list all defendants or counsel for defendants) at (list the address for each person served) on (date).

Sample Motion:

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

(Plaintiff's Name),	:	
Plaintiff,	:	
	:	
v.	:	Case No. (your case number)
	:	
(First Defendant's Name), et al.,	:	
Defendants.	:	(Date)

(TITLE OF MOTION)

(Identify yourself and explain what you want the court to do for you.)

(Provide facts and law supporting your position.)

(Your Original Signature)
(Your Name Printed)
(Your Address and Telephone Number)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading/document was mailed to:
(list all defendants or counsel for defendants) at (list the address for each person
served) on (date).

Your Original Signature

MISCELLANEOUS INFORMATION

Consent to Electronic Notice:

The court will mail you copies of any rulings or orders issued by the court at the address you provide in your complaint. If you prefer, you may receive copies of these rulings and orders as well as documents filed by the defendants electronically rather than by mail. If you would like to receive electronic notice, you must complete the Consent to Electronic Notice by Pro Se Litigant form on the court's website, www.ctd.uscourts.gov, and file it in your case.

Magistrate Judges:

If all parties consent, a lawsuit may be heard for all purposes by a Magistrate Judge pursuant to 28 U.S.C. § 636(c). This means that the Magistrate Judge will decide all motions and conduct the trial. Your legal rights are the same before a District Judge or a Magistrate Judge. District Judges, however, must give priority to criminal trials which can be lengthy and complicated. Because Magistrate Judges do not conduct criminal trials, your case will proceed to trial faster before a Magistrate Judge than it would if the case were before a District Judge. If all parties consent to proceed before a Magistrate Judge for all purposes, the Magistrate Judge will issue all rulings and orders and any appeal from the decision of the Magistrate Judge is directly to the United States Court of Appeals for the Second Circuit. If you wish to consent to proceed before a Magistrate Judge, all parties should complete the consent form available in the Clerk's Office or on the court's website, www.ctd.uscourts.gov and submit it to the court.

If the parties do not consent to proceed before a Magistrate Judge, the District Judge may refer non-dispositive matters, *i.e.*, matters that do not dispose of a claim or defense of a party, to the Magistrate Judge. It is a common practice, within the discretion of the District Judge, to refer cases for pretrial matters such as supervision of discovery or settlement. If you disagree with the Magistrate Judge's order, you may serve and file an objection within fourteen (14) calendar days. If you do not object to the Magistrate Judge's order within that fourteen day period, you cannot later object to the order. The District Judge will consider and rule on your objection. Even if you object to the Magistrate Judge's order, you must obey that order unless either the Magistrate Judge or the District Judge issues a stay of the order.

The District Judge also may refer a dispositive motion to the Magistrate Judge. The Magistrate Judge will issue a Recommended Ruling instead of a ruling and order. Again, if you disagree with the Recommended Ruling, you must serve and file an objection within fourteen (14) calendar days. After reviewing the Recommended Ruling and the parties' objections, the District Judge may adopt the Magistrate Judge's findings in full or in part or decline to adopt the recommended ruling and issue a new decision.

Legal Questions:

The United States District Judges, the United States Magistrate Judges, the Clerk of the Court, Deputy Clerks and Staff Attorneys are officers of the court and are

prohibited by federal statute from giving legal advice. Legal questions should be directed to an attorney. Even though they are lawyers, the staff attorneys cannot represent you or do legal research on your behalf. Like all employees of the court, the staff attorneys must remain neutral and detached in order to preserve the integrity and independence of the court.

Contacting Chambers:

You should not call the judge's chambers regarding your case. Unless you have specific permission from chambers, neither the judge nor the court will accept communication by fax. All communication to the judge must be in writing and you must send a copy of any letter you send to the judge to the defendants' attorney or, if the defendants are not represented, to the defendants themselves. The judge will decide whether to respond to your letter and whether your letter should be included in the court file. If you seek specific action, you should file a motion instead of writing a letter.

Keeping Your Address Current:

The court will send all correspondence to you at the address you provide at the time you file the complaint. If you consent to electronic notification, the court will send notifications to you at the email address you provide on the consent form. If your physical address or email address changes at any time before your case is concluded, you must inform the court and the defendants of your new address in writing. Failure to do this may result in your case being dismissed.

Who You Can Represent:

As a *pro se* litigant, with limited exceptions, you can represent only yourself. Corporations and partnerships must be represented by counsel. Parties planning to begin or defend an action on behalf of a corporation or partnership may not appear *pro se* in the District of Connecticut. Since a *pro se* litigant may not act as a class representative in a class action, *pro se* litigants may not file class action lawsuits. Furthermore, a non-attorney parent may not appear *pro se* on behalf of a child, except to appeal the denial of social security benefits to that child.

Court-appointed Counsel:

Pro se litigants may ask the court to appoint counsel for them. There is no constitutional right to counsel in a civil case. Counsel is appointed in a few select cases where the court determines that representation by an attorney is particularly appropriate or necessary. However, counsel will be appointed only if the court determines that the claim has sufficient merit to justify imposing on an attorney to accept the case. Because the court must evaluate the claim for merit before appointing an attorney, the court does not appoint counsel to assist *pro se* litigants in drafting the complaint.

Before the court will consider appointing counsel, the *pro se* litigant must demonstrate that he has made attempts to obtain representation or legal assistance on his own, but was unsuccessful. For example, several law firms declined assistance because the litigant is indigent. Counsel is appointed at no cost to the *pro se* litigant unless the court finds that the litigant has access to funds, including proceeds from the lawsuit, from which a reasonable attorney's fee can be paid.

If you would like to request that the court appoint counsel to represent you in your lawsuit, you must file a Motion for Appointment of Counsel. You may file the motion along with your complaint or at any later time. You may obtain a Motion for Appointment of Counsel form in the Clerk's Office or on the court's website, www.ctd.uscourts.gov. If your motion is denied, it is your responsibility to do all things required to diligently prosecute your lawsuit, including responding to discovery requests and trying your case in court. Failure to diligently prosecute your case or failure to follow the procedures established in the Federal Rules of Civil Procedure and Local Civil Rules may result in the dismissal of your case.

Removal:

Removal is the transfer of a case from one court to another. Removal usually is done when the plaintiff files a complaint in state court, but includes a claim that properly may be filed in federal court. If the defendant wants the lawsuit to be resolved in federal court, the defendant may remove the case from state court to federal court by filing a Notice of Removal along with copies of all of the papers filed in state court. A plaintiff cannot remove a case from state court to federal court.

Electronic Filing:

Pro se litigants may seek permission to file documents electronically. To do so, the *pro se* litigant must file a Motion to Participate in Electronic Filing. The motion may be found on the court's website, www.ctd.uscourts.gov. If the motion is granted, the *pro se* litigant must complete the court's training class on electronic filing for *pro se* litigants before they can start to file documents electronically.

The motion requires the litigant to confirm that he has access to a computer with the following capabilities:

- Access to the internet via Internet Explorer (Version 6 or greater) or Mozilla Firefox (any version). The computer must have one of these internet browsers, which are free downloads.
- Adobe Reader (Version 7 or greater) Adobe Reader is a free download.
- Ability to create PDF files. This may be done with a scanner using MS Word (Office 2007 or greater) or Word Perfect (Version 10 or greater). PDF documents also may be created using a product called Adobe Writer.

PRIVACY POLICY

In compliance with the E-Government Act of 2002, to address the privacy concerns created by internet access to court documents, litigants should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. If sensitive information must be included, the following personal data identifiers **must** be partially redacted from the pleading whether it is filed traditionally or electronically:

1. Names of minor children **to the initials** [e.g. P.J.]
2. Financial account numbers **to the last four digits** [e.g. Account ending in 1234]
3. Social Security numbers **to the last four digits** [e.g. XXX-XX-1234]
4. Dates of birth **to the year only** [e.g. DOB 1970]
5. In criminal cases, the home address **to city and state only** [John Doe, Windsor, CT]
The Clerk is not responsible for reviewing the pleadings.

Counsel are encouraged to exercise caution when filing documents that contain the following:

- Personal identifying number such as a driver's license number
- Medical records, treatment and diagnosis
- Employment history
- Individual financial information
- Proprietary or trade secret information
- Information regarding a party's cooperation with the government
- Information regarding the victim of any criminal activity
- National security information
- Sensitive security information as described in 49 USC 114(s)

TRANSCRIPTS

Pursuant to Judicial Conference Policy, transcripts are publically available through the CM/ECF system beginning 90 days after they are e-filed by the court reporter. The judiciary's privacy policy restricts the publication of certain personal data in documents filed with the court, as indicated above. If such information is elicited during testimony or other court proceedings, it will become available to the public when the official transcript is filed at the courthouse unless, and until, it is redacted. The better practice is to avoid introducing this information into the record in the first place. Please take this into account when questioning witnesses or making other statements in court. If a restricted item is mentioned in court, a motion may be made to have it stricken from the record or partially redacted to conform to the privacy policy, or the court may do so on its own motion. Please refer to our website www.ctd.uscourts.gov, for detailed information.

Robin D. Tabora,
Clerk

(Rev 3/19/09)