

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

INSTRUCTIONS FOR FILING A COMPLAINT FOR
USE IN EMPLOYMENT DISCRIMINATION CASES

READ CAREFULLY

1. This packet consists of:
 - 1 copy of an EEOC complaint form
 - 1 copy of a summons form
 - 1 copy of an in forma pauperis motion
2. Your complaint must be clearly handwritten or typewritten and signed by each plaintiff. ALL copies of the complaint must be identical in wording to the original. It is not necessary to swear to the complaint under oath before a notary public. However, each plaintiff must attest under penalty of perjury that the complaint is true and correct. You are warned that any false statement of a material fact may subject you to prosecution and conviction.
3. The Notice-of-Right-to-Sue letter issued by the EEOC must be attached to your complaint.
4. All questions must be answered concisely in the proper space on the form. If you need additional space to answer a question, you may use the reverse side of the form or use an additional blank page. **YOUR COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS – YOU ARE ONLY REQUIRED TO GIVE FACTS.** You must describe how each defendant is personally involved in the activities upon which your claim is based. Also, include any request for a jury trial.
5. Upon receipt of the \$350.00 filing fee, your complaint will be filed. If you are unable to pay the filing fee, you may petition the court to proceed in forma pauperis. If you must proceed in forma pauperis, you must complete, sign, and attest as true and correct under penalty of perjury the petition and financial affidavit. If there is more than one plaintiff, then each plaintiff must complete a separate petition.
6. If you pay the \$350.00 filing fee, you must also fill out 2 summons forms for each defendant you name in your complaint. Also, provide envelopes per defendant and postage for certified mail, return receipt requested and have the postage affixed to the envelopes.
7. It is YOUR responsibility to notify the Clerk's Office in writing of ANY change of address you may have during the entire time this case remains open before the court. Failure to so advise the Clerk of your current address may result in the DISMISSAL of your case.
8. When these forms are properly completed, mail them to the clerk's office.
9. Your complaint will not be considered unless it conforms to these instructions.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
DIVISION**

PLAINTIFF

v.

CASE ACTION NO.: _____

DEFENDANT

JURY DEMAND (MARK ONE)

YES NO

EEOC COMPLAINT

1. Plaintiff resides at _____

2. Defendant(s)' name(s) _____

Location of principal office(s) of the named defendant(s) _____

Nature of defendant(s)' business _____

Approximate number of individuals employed by defendant(s) _____

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 §2000e-5(g).

4. The acts complained of in this suit concern:

- 1. ___ Failure to employ me.
- 2. ___ Termination of my employment.
- 3. ___ Failure to promote me.
- 4. ___ Other acts as specified below: _____

11. I filed charges with the Equal Employment Opportunity Commission regarding defendant(s)' alleged discriminatory conduct on or about _____.
I have attached a copy of the Notice-of-Right-to-Sue letter issued by the Equal Employment Opportunity Commission. The letter was received by me on _____.

12. I seek the following relief:

- A. _____ Recovery of back pay.
- B. _____ Reinstatement to my former job, and any other relief as may be appropriate, including injunctive orders, damages, costs, and attorneys fees.

Date: _____

Signature of Plaintiff

Address & Telephone Number of Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
_____ DIVISION

_____)
_____)
_____)
_____)

Plaintiff(s)

v.

_____)
_____)
_____)
_____)

Defendant(s)

MOTION TO PROCEED IN FORMA PAUPERIS

Plaintiff(s) _____

moves this Honorable Court for an order allowing her/him to proceed in this case without prepayment of fees, costs, or security therefor, and for grounds therefor submits the attached sworn affidavit in support of the motion.

Plaintiff(s) signature

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff</i>)	
v.)	Civil Action No.
_____)	
<i>Defendant</i>)	

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

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.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____ .
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My take-home pay or wages are: \$ _____ per (*specify pay period*) _____ .

3. *Other Income.* In the past 12 months, I have received income from the following sources (*check all that apply*):

- | | | |
|--|------------------------------|-----------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ _____ .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (*describe the property and its approximate value*):

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and provide the amount of the monthly expense*):

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*):

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

Applicant's signature

Printed name

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff</i>)	
v.)	Civil Action No.
_____)	
<i>Defendant</i>)	

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) — or 90 days in a Social Security action — 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.

DEBRA P. HACKETT, 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(1))

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: