## U.S. DISTRICT COURT MIDDLE DISTRICT OF ALABAMA



Attorney's Guide: Opening a Civil Case

Created May 2022

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#### INTRODUCTION

Using this guide, you will learn how to electronically open and file a new civil action through the Electronic Case Filing system.

#### **GETTING STARTED**

#### **Prepare Your Documents**

Your first step is to prepare and convert your filing documents to PDF. Prepare an initiating document, such as a:

- Complaint
- Notice of Removal
- Petition for Writ of Habeas Corpus
- Inmate 1983 Complaint
- Prepare as an attachment to your initiating document:
  - o Civil Cover Sheet

Prepare these documents as additional attachments if they apply to your case:

- Exhibits (separate PDFs for each exhibit)
- Summons(es)
  - Download and save the **Summons** form found on the court's website at <a href="https://www.almd.uscourts.gov/forms/summons-civil-action">https://www.almd.uscourts.gov/forms/summons-civil-action</a>. Use this fillable form each time you docket a summons to the court docket.
  - Attach summons (one per defendant) as a single attachment PDF document to the complaint.
  - o Summons(es) will be issued by the court electronically the following day.
  - You will receive a Notice of Electronic Filing (NEF) of the summons when the Clerk's Office enters it on the docket.
  - Use the NEF hyperlink to retrieve the issued summons form to effect service of process.

The following forms are also available for downloading from our court website: https://www.almd.uscourts.gov/forms.

- Civil Cover Sheet (Required)
- Conflict Disclosure Statement (Required)
- Motion to Proceed Without Prepayment of Fees
- AO240 Short Form and AO241 Long Form Financial Affidavit
- Notice and Request for Waiver of Service and Waiver of Service forms

#### **Convert Documents to PDF Format**

Convert a document by:

- Scanning to PDF
- Using the conversion software included in word processing programs such as Word.
- Downloading PDF conversion software, such as Adobe Standard or Professional.

#### THE FILING FEE

As of January 1, 2020, the filing fee for a standard civil case is \$350.00 plus a \$52.00 administrative fee for a total of \$402.00. **NOTE:** The administrative fee **does not** apply to:

- Miscellaneous civil cases (\$49 filing fee),
- Habeas corpus cases (\$5 filing fee), or

• Cases filed by *pro se* prisoner plaintiffs who have been provisionally granted permission to proceed *in forma pauperis*.

You must pay the filing fee through **Pay.gov**. During case opening, you will be prompted for this payment and be guided through the **Pay.gov** screens, so have your card ready. See *Paying the Filing Fee* for details.

#### To Request a Waiver of the Filing Fee

Have your Motion to Proceed Without Prepayment of Fees, with AO240 or AO241 Affidavit, prepared to file as a separate filing after you file your initiating documents. For detailed instructions, see *Docketing the Lead Event*.

#### **OPENING YOUR CIVIL CASE**

Do not start opening your case unless you are prepared to post your initiating document(s). Remember they must be in **PDF format** and saved on your computer. Be sure you have a copy of your civil cover sheet available. You will need to refer to it later in this process.

Now that you are ready to open your case, let's get started. Log into CM/ECF as you normally would to file documents. Remember you don't need a client code.

On the blue tool bar select "Civil."



Under "Attorney Open a Case" you will see the link to "Attorney Case Opening." Click on this link to begin opening your case.



On the "**Open a Civil Case**" screen, select the "**Office**" (Division). Please DO NOT modify the "**Case type**" which defaults to "**cv**" or anything below "**Date filed.**"

**NOTE:** Montgomery is the seat of the Northern Division of the Alabama Middle District and is comprised of Autauga, Barbour, Bullock, Butler, Chilton, Coosa, Covington, Crenshaw, Elmore, Lowndes, Montgomery, and Pike counties.

Opelika is the seat of the Eastern Division of the Alabama Middle District and is comprised of Chambers, Lee, Macon, Randolph, Russell, and Tallapoosa counties.

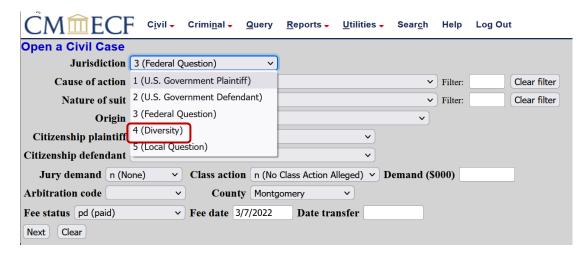
Dothan is the seat of the Southern Division of the Alabama Middle District and is comprised of Coffee, Dale, Geneva, Henry, and Houston counties.



Once you have entered your case data information, select the "**Next**" button to move to the next screen. If you need to start over on this page, select the "**Clear**" button and it will erase all your entries.

This next screen asks for information which can be taken directly from your Civil Cover Sheet. Make sure to have it available so you can refer to it.

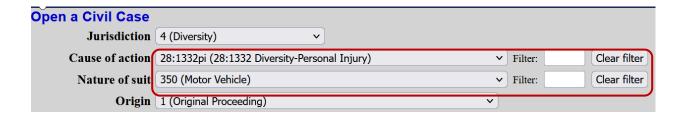
The first box is the "**Jurisdiction**" box. Use the dropdown list to select the case jurisdiction information for your case. This box defaults to "**3: Federal Question.**"



For this example, we will select "4 (Diversity)" for the case jurisdiction.

Now you will select the "Cause of Action" for your case. For this example, we are going to select "Diversity – Personal Injury 28:1332pi." You can start typing the cause of action in the "Filter:"

The next box is the "**Nature of Suit.**" Start typing the nature of suit in the "**Filter:**" box. For this example, we will select "**350 (Motor Vehicle)**" for the nature of suit.



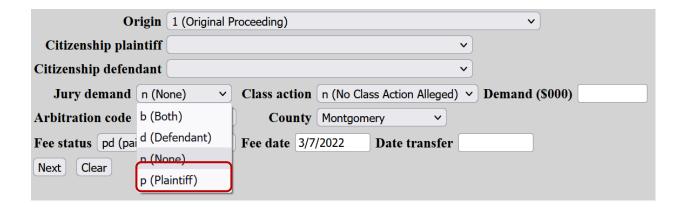
At the "**Origin**" dropdown list, select either:

- 1 Original Proceeding (Default) or
- 2 Removal from State Court.

Please note that there are other options in the "**Origin**" dropdown list; however, you will only utilize the two listed above. For this example, we are going to use "**1** (**Original Proceeding**)."



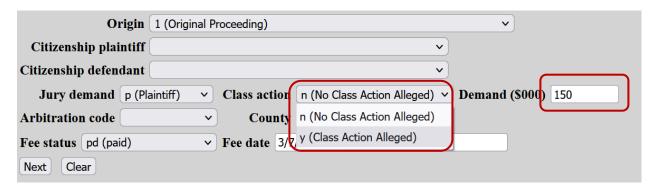
If you are requesting a Jury Demand, you will select the requestor(s) in the dropdown list.



**Remember:** If you are including a Jury Demand in your case, you must also include the demand in the relief section(s) of your Complaint as required under Fed R Civ P 38(d) and notate the demand beneath the case number on the front page in compliance with ALMD Local Rule 38.1.

The "Class action" box defaults to "n (No Class Action Alleged)." Use the dropdown to change to "y (Class Action Alleged)", if appropriate.

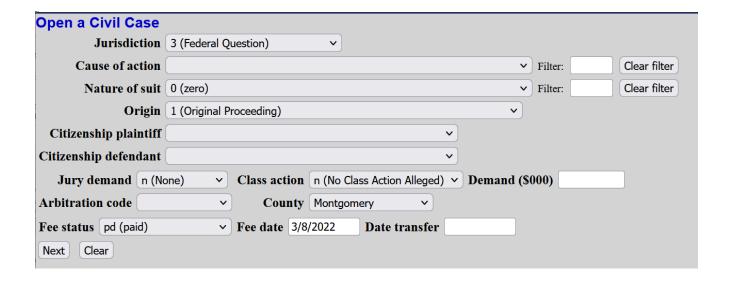
If applicable, enter the compensatory monetary "**Demand**" (\$000) of the plaintiff. This must be entered in thousands, rounded to the nearest thousand dollars. For this example, the demand is for \$149,800, so we will enter "150." Do not include the dollar sign. Do not enter punitive monetary demands.



The "County" box (defaults to Montgomery) contains all of the Alabama counties, "XX US, Outside State," and "XX Outside US." The correct selection for regular civil cases is based on the following criteria in this order:

- 1. County of the plaintiff;
- 2. County of the Defendant for USA Plaintiff;
- 3. XX US, Outside State Plaintiff is located outside Alabama; and
- 4. XX Outside US Plaintiff (or Defendant for USA Plaintiff suits) is outside the USA.

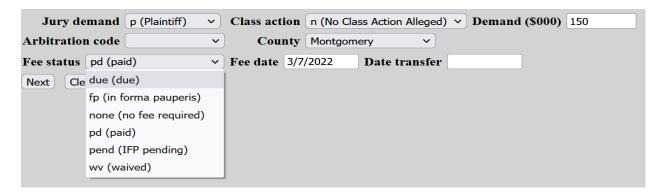
Notice of Removal cases are based on the County Circuit Court where the case originated.



The "Fee Status" box has five choices in the dropdown list:

- **pd (paid):** Payment of the regular civil filing fee through Pay.Gov.
- **pend (IFP pending):** When filing a Motion to Proceed Without Prepayment of Fees as a separate filing after filing your complaint.
- wv (waived): When you are a US Attorney for the Department of Justice filing a case on behalf of the United States.
- **none (no fee required):** When filing a case that does not require a fee
- **fp (in forma pauperis):** When filing a case after a provisional grant of a Motion to Proceed Without Prepayment of Fees

# <u>Please leave the fee status "pd (paid)" unless you are a US Attorney or filing a Motion to Proceed Without Prepayment of Fees</u>



The "Citizenship plaintiff" and the "Citizenship defendant" dropdown boxes are used only in diversity cases. You would leave these boxes blank unless your case is a diversity case.

For this example, we are going to select "1 (Citizen of This State)" for the plaintiff and "4 (Incorporated/Principal Place of Business – Other State)" for the Defendant.

Citizenship plaintiff	1 (Citizen of This State)	
Citizenship defendant	~	
Jury demand p (P	i	Demand (\$000)   150
Arbitration code	1 (Citizen of This State)	
Fee status pd (paid)	2 (Citizen of Another State)	
	3 (Citizen or Subject of a Foreign Country)	
Next Clear	4 (Incorporated/Principal Place of Business-This State)	
	5 (Incorporated/Principal Place of Business-Other State)	
	6 (Foreign Nation)	

There is no need to utilize the "Arbitration Code" nor "Date transfer" fields.

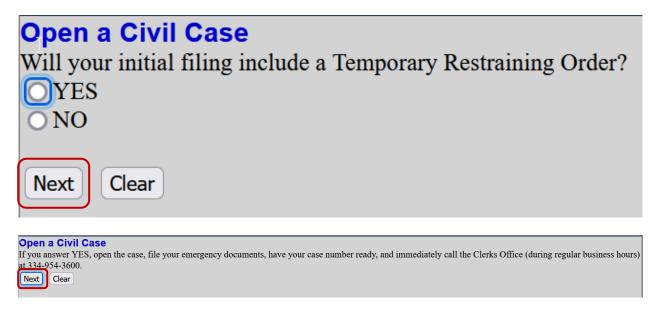
Look over this screen and make sure you entered the correct case information. Once you are confident that your case information is correct you are ready to proceed and select "**Next**" to move to the next screen.



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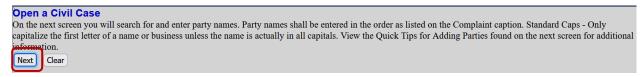
#### **EMERGENCY MATTERS**

CM/ECF will prompt you to answer **Yes** or **No** whether your initial filing includes a Temporary Restraining Order.

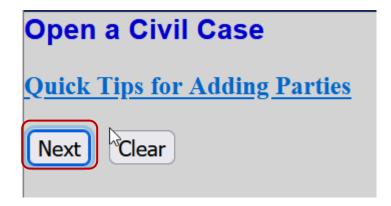


The Clerk's Office will assign a judge to your case and notify them of the emergency. To ensure that your case receives the immediate attention it needs, **please file prior to 4:30 PM CST**.

#### ADDING PARTIES



If you would like to review Quick Tips for Adding Parties, click on the link provided. Otherwise, select "Next."



Before you get started, have your Complaint available. You will need this to add all parties in this case opening process. This screen will allow you to enter your party names and do a search to see if these parties are already in the court's database. This screen and all subsequent screens begin displaying a partial case number. A full case number will be assigned at the completion of the case opening process.

Notice of Removal cases are opened by using the original caption from the state court case. For example, if the defendant is the "filer" of the removal case in Federal Court, then they remain the defendant in the case filed here.

**DO NOT** select the browser back button **at any time** during the 'Add Parties' process. You will lose your entire work product. If you need to make a change to your party selection or simply change the spelling, utilize the icons provided in the participant tree.

# DO NOT ENTER OR MODIFY TELEPHONE, ADDRESS, OR E-MAIL ADDRESS FIELDS.

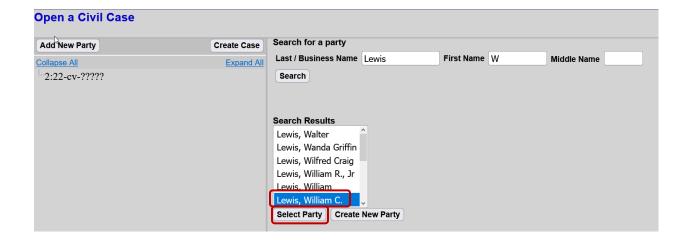


In the "Last/Business Name" field, enter the party name, surname, or company name only and select "Search". Do not enter any descriptive text (doctor, Mr., Sergeant, etc.). The "Party Text" field will be used for that purpose later in the add party process.

Example: The case we will be opening is a civil case entitled: "William C. Lewis vs. Walmart, Inc." Let's get started by entering the plaintiff's last name, "Lewis," and first initial "W" then select "Search."



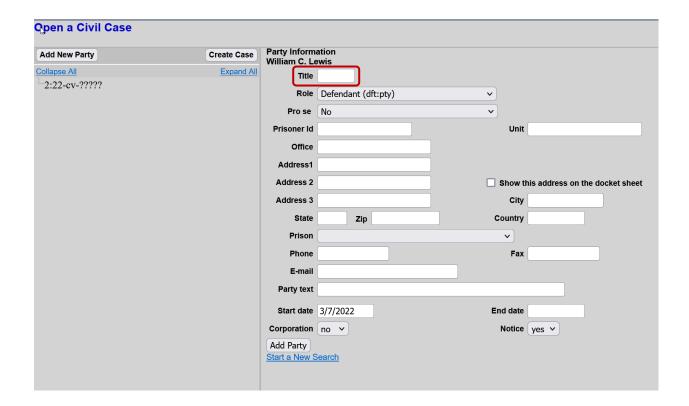
If you find an exact match from the list, highlight the name from the list and click on the "**Select Party**" button.



**NOTE:** If no match is found, no name will appear in the "**Last/Business Name**" box, and search results will state "**Search returned no results. Please try again or create a new party.**" In this situation, click on the "**Create New Party**" button.

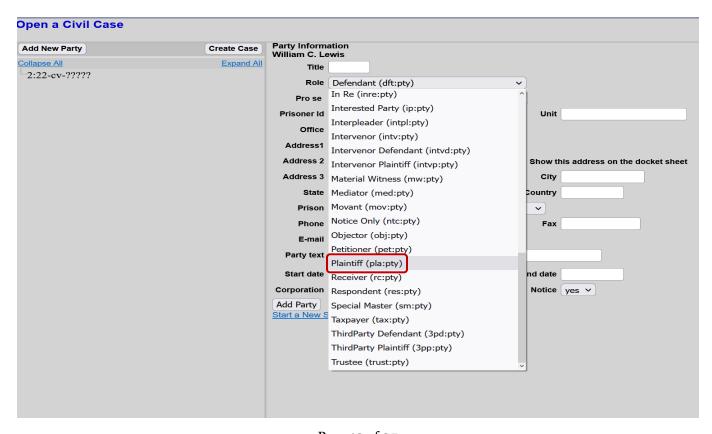


Once you have highlighted a name match and selected "**Select Party**" or selected the "**Create New Party**" button, CM/ECF will display the party information screen. You will notice your party name on this screen with a role type of "**Defendant**" (default). Let's proceed with entering your party information.



Please **DO NOT** use the Title field. You will enter any descriptors in the "**Party text**" field.

Now you will select the party's role from the drop-down menu. The first party entered is the **Plaintiff**. The parties should be entered in the manner and in the order in which they are captioned on the initiating document being filed. (Keep in mind the party's name examples.)



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**DO NOT** enter any party information in the "Address", "Phone number", or "E-mail" fields, **UNLESS** the party has made a *pro se* appearance (such as the case with some Notices of Removal from State Court). Then enter the address and phone number *ONLY*.

The "Party text" field is for information describing the party in further detail. For example, if the party is a company, party text might be "an Alabama corporation." The party might be "doctor," "warden," "sued in his/her individual and/or official capacity/capacities," "as Parent and/or Next Friend of," or "as Administrator of **the Estate.**" In our example, we will not add any party text for the Plaintiff.

The start date field will default to the current date. You should **NOT** modify this field. Open a Civil Case **Party Information** Add New Party Create Case William C. Lewis Collapse All **Expand All** 2:22-cv-????? Role Plaintiff (pla:pty) Pro se No Prisoner Id Unit Office Address1 Address 2 Show this address on the docket sheet B Address 3 City State Zip Country Prison V Phone Fax E-mail Party text Start date 3/7/2022 End date Corporation no v Notice ves v Add Party

If you are not adding any additional information, select the "Add Party" button.

Start a New Search



To add the remainder of your parties, select "Add New Party" and follow the same steps listed above.



#### **ADDING ATTORNEYS**

Since you logged into CM/ECF as the attorney filing this case, you do not need to enter your name as attorney of record. The CM/ECF system will ask you later in this process if you are associated with the party that you are representing.

You may enter additional attorneys associated with this case by selecting the icon next to "**Attorney.**"

**DO NOT** add attorneys for the opposing parties **UNLESS** this is a Notice of Removal case.



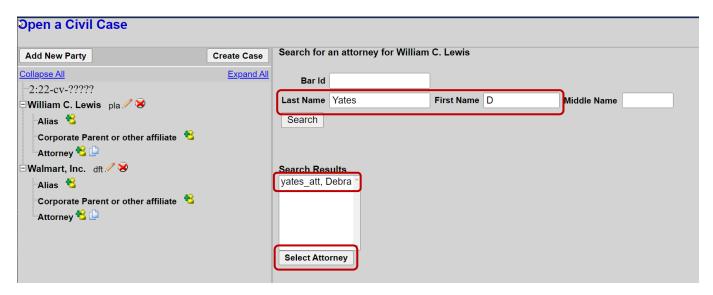
#### **ICONS**

These icons located next to the names on the left allow you to make modifications, edits and add new alias. These are the Icon Descriptions:

Icon	Description
<b>※</b>	Delete this party from the case.
*	Add new alias, corporate parent, or attorney.
	Copy attorney(s) from other parties in the case to this party.
1	Edit the party, alias, corporate parent or attorney. Only displays beside actual names of participants, so if no participant has been added, this icon is suppressed.
2	Change the name of the party.

When you click on the icon, you will go to the 'Attorney Search' screen, which resembles the 'Party Search' screen.

For this example, Lee Joseph will be added as an additional attorney in this case.



As with the "**Party Search**" screen, you will see search results which allow you to select the attorney's name from the dropdown list. Choose the attorney from the dropdown list. You can only add additional attorneys that are registered with CM/ECF. **DO NOT enter** *Pro Hac Vice* **Attorneys.** 

Once you have highlighted the attorney's name from the list, you will click on "**Select Attorney.**"

On the Attorney Information screen, **DO NOT** alter the information in the fields. All updates to attorney information must be submitted by the registered attorneys through their individual PACER accounts.



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Accept the information by clicking "Add Attorney."



This returns you to the "**Add New Party**" screen. Notice the attorney's name you just added on the left screen for the party Whole House Movers. Repeat this process until all associated attorneys are added.



#### **ADDING AN ALIAS**

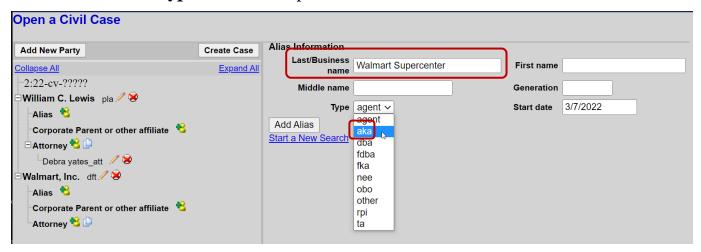
If you are adding an alias, select next to "Alias" and search for the name of the alias.



Highlight the name from the list of search results and click "**Select Alias**" or click "**Create New Alias**" if there are no search results.



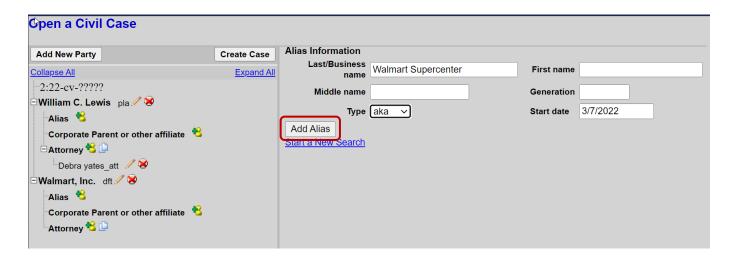
Select the alias role "**Type**" from the drop-down list.



The alias role options from the drop-down list are identified below:

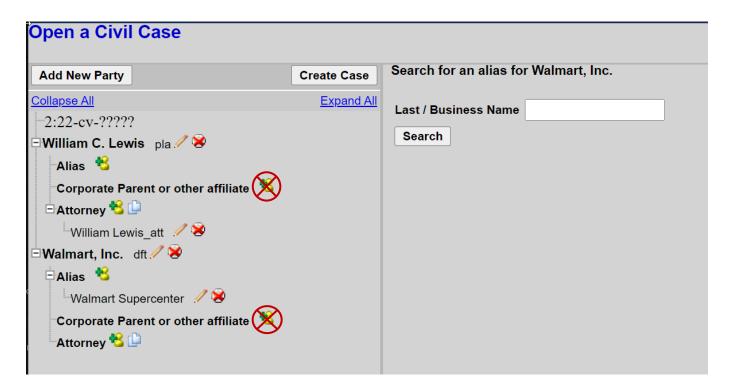
- agent: Agent of
- aka: Also known as
- dba: Doing business as
- fdba: Formerly doing business as
- fka: Formerly known as
- nee: Born (usually refers to maiden name)
- obo: On behalf of
- other: Other
- rpi: Real party interest
- ta: Trading as

Now that you have your alias name entered and the role selected, select the "**Add Alias**" button. This will return you to the "**Party Information**" screen.



#### CORPORATE PARENT OR OTHER AFFILIATE

The next option is the "Corporate Parent or Other Affiliate" button. DO NOT SELECT THIS OPTION. Pursuant to ALMD Local Rule 7.1, ALL PARTIES are required to (separately) file a Corporate/Conflict Disclosure Statement which provides this information. The Clerk's Office will enter this information during the QC process.



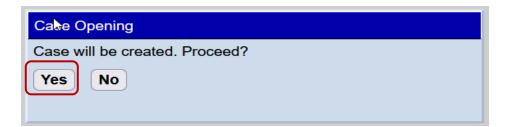
Finish adding all your parties and attorneys before proceeding to the next step.

#### CREATE CASE

**ONLY when you are finished adding all parties**, click on the "**Create Case**" button on the Participant Tree. Once you click "**Create Case**", you will not be able to go back and add any further parties or attorneys to the case. **NOTE:** Clerk's Office staff checks all new cases filed electronically and will verify and add any missing parties or attorneys.



Once the "**Create Case**" button is selected, you will see the box below that states: "**Case will be created. Proceed?**" Select "**Yes**" if you are ready to proceed with filing of this case. **NOTE:** This case will not be opened until the initiating document is filed.



On the next screen, you will be provided with your case number. Click on the "**Docket Lead** "**Event**" hyperlink to continue to attach your initiating documents and pay the filing fee.



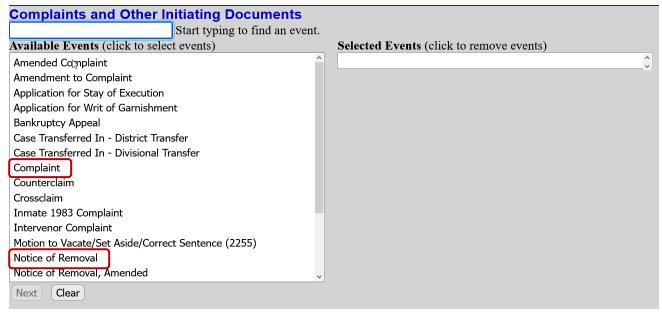
## **DOCKETING THE LEAD EVENT**

Next you will need to file your initiating documents in the case. Click on "**Docket Lead Event?**" to proceed. **CM/**ECF will automatically open the event Complaints and Initiating Documents screen.

### **Lead Event Types**

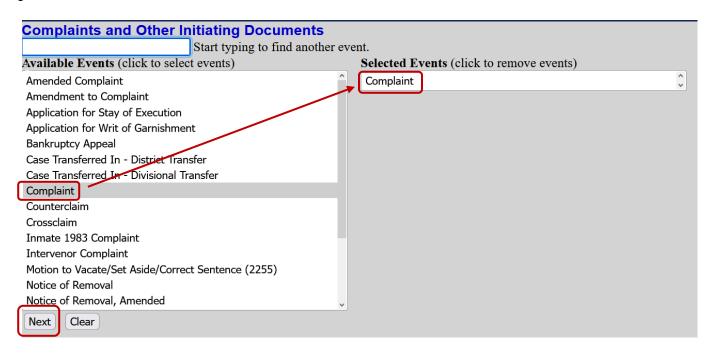
There are two types of initiating documents or "lead events" to choose from:

- Complaint; and
- Notice of Removal

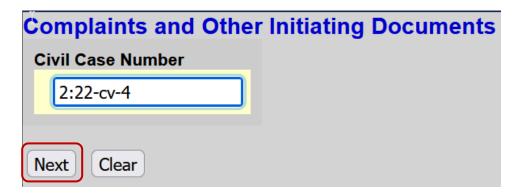


#### **Complaint**

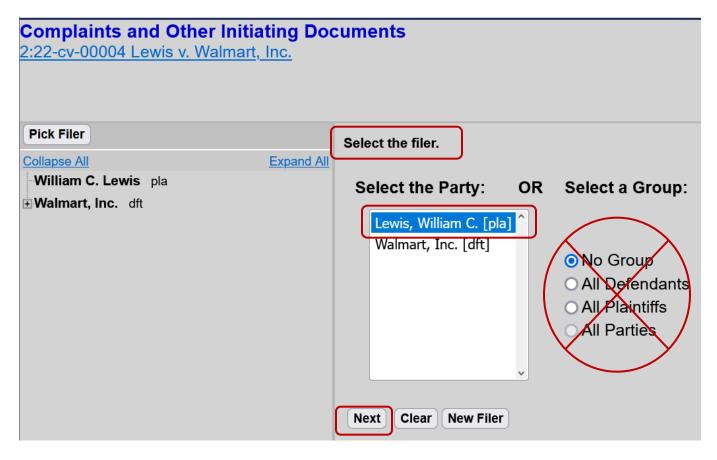
Select "Complaint" from the "Available Events" menu. Clicking on the word "Complaint" places it in the "Selected Events" box. Click "Next."



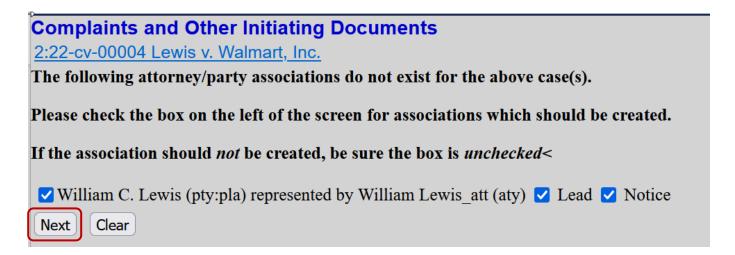
You will notice the case number appears. Click "Next."



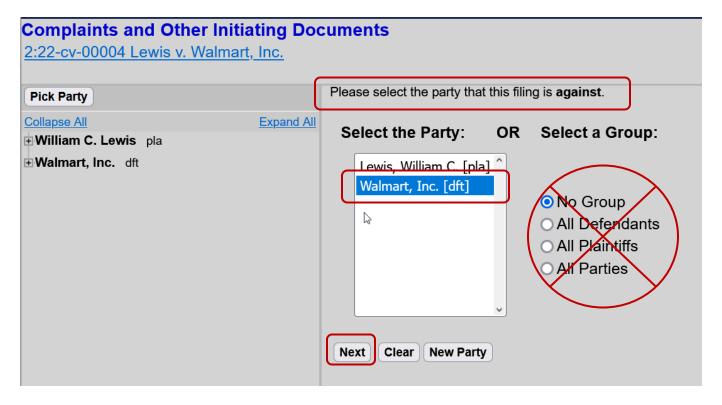
Select the party filing the document being represented by you in this case and click "Next." NOTE: If there are multiple parties, hold down the Ctrl key and click on each of the desired parties. DO NOT select the "All Plaintiffs" radio button.



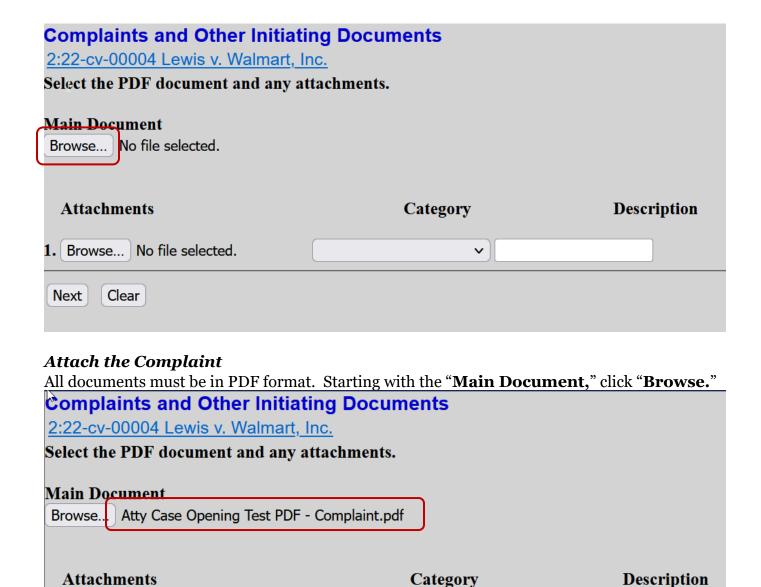
This screen appears when the attorney appears in the case for the first time. Leave all boxes checked and click **NEXT.** This will add the attorney's information to the docket and activate electronic notice.



**Be sure to ONLY select the party or parties you are filing against. NOTE:** If there are multiple parties, hold down the Ctrl key and click on each of the desired parties. **DO NOT select the "All Defendants" radio button.** Click "**Next.**"



On the next screen you'll be asked if the case is being filed after hours and if it requires immediate Court action. Select "**YES**" or "**NO**" and then "**Next.**"



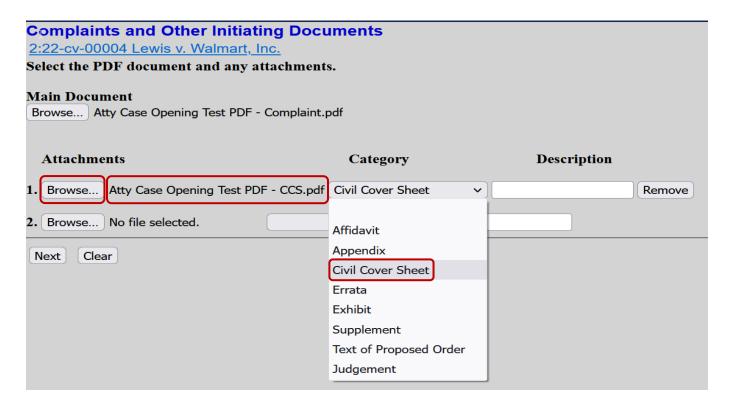
Navigate to the appropriate directory and file on your computer to locate the Complaint. **Make sure to make any redactions as required under the E-Government Rules before attaching.** Always check your document before you upload it. Double click on the file name to upload it to CM/ECF.

The name of your document will appear in the "Filename" window.

1. Browse... No file selected.

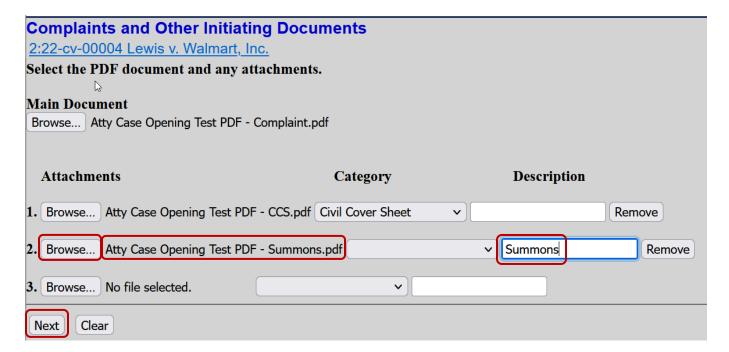
Clear

Next



To attach the Civil Cover Sheet, click "Browse" under "Attachment #1."

Navigate to the appropriate directory and file on your computer to locate the Civil Cover Sheet. After verifying it is the correct Civil Cover Sheet, double click on the file name. The name of your document will appear in the "**Filename**" window. Describe the Civil Cover Sheet using the "**Category**" drop down list.



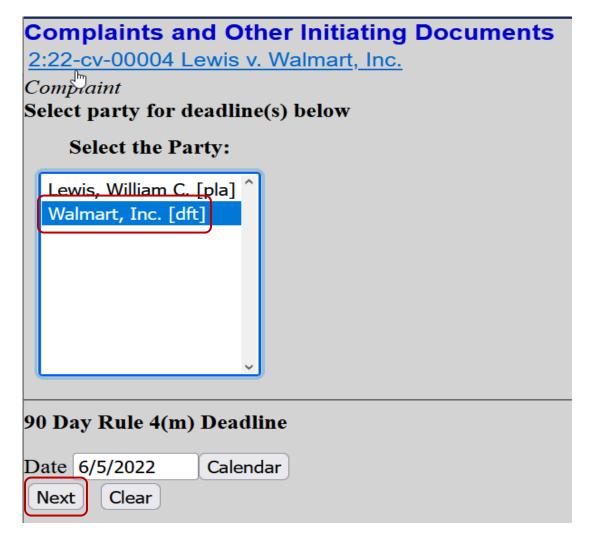
Attach the Summons

Prepare one summons per defendant, convert to PDF and file as separate attachments.

Click "**Browse**" under "**Attachment** #2" to upload the summons. Describe the summons (es) under "**Description**" and click "**Next.**"



On the next screen, you will receive the Rule 4(m) deadline prompt. Click "Next."



Select the defendant to which the 90 Day Rule 4(m) Deadline applies. The deadline will automatically calculate. **DO NOT modify the deadline.** 

Complaints and Other Initiating Documents
2h22-cv-00004 Lewis v. Walmart, Inc.
Is this filed with an Application to Proceed Without Prepayment of Fees Y/N?
or
Is this complaint filed on behalf of the USA Y/N?
Next Clear

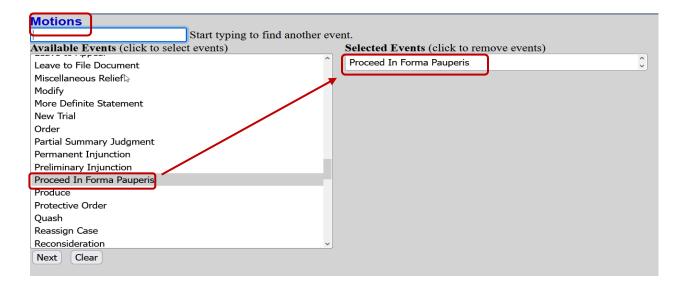
Enter the appropriate selection "**Y** or **N**" and select "**Next.**" If paying filing fee, continue to *Paying the Filing Fee*.

#### MOTION TO PROCEED IN FORMA PAUPERIS

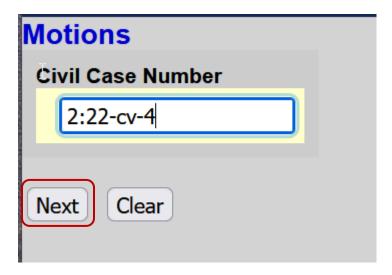
If you are filing an IFP or a complaint on behalf of the USA, place "**Y**" in the box and click "**Next.**" You will be given a reminder to file you Motion to Proceed Without Prepayment of Fees and Costs on the next screen. If you are a USA Plaintiff, you may ignore the motion reminder. Click "**Next.**"

# Complaints and Other Initiating Documents 2:22-cv-00004 Lewis v. Walmart, Inc. Please remember to file your Motion to Proceed Without Prepayment of Fees and Costs directly after this event Next Clear

If the filing fee is not paid, you must immediately file a Motion to Proceed Without Prepayment of Fees after completion of your complaint filing by clicking on "Civil" and then "Motions." Find and select "Proceed In Forma Pauperis" from the "Available Events" menu. Clicking on "Proceed In Forma Pauperis" places it in the "Selected Events" box. Click "Next."



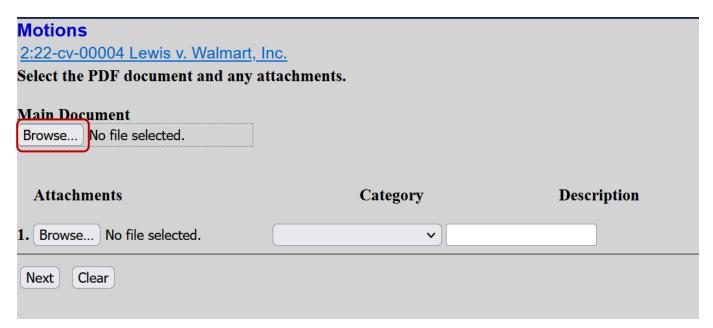
You will notice the case number appears. Click "Next." NOTE: If your case number does not automatically appear, enter it and select "Find this case." Then select "Next."



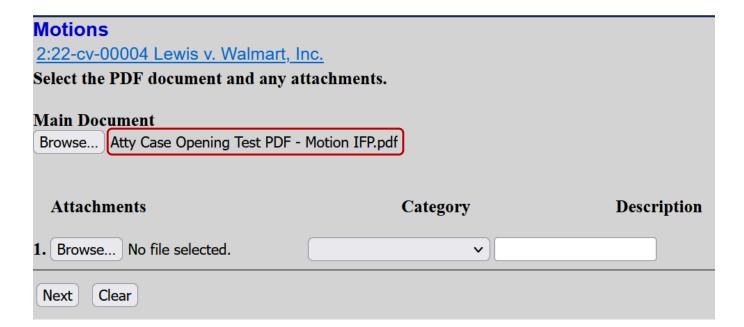
Select the party that you represent and click "Next."



All documents must be in PDF format. Attach your document in the same way you attached your complaint.



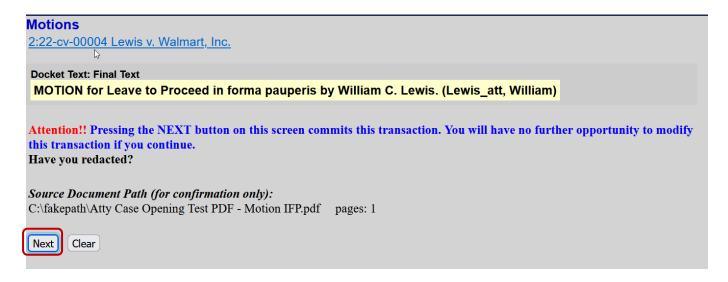
The motion will appear in the "Filename" box.



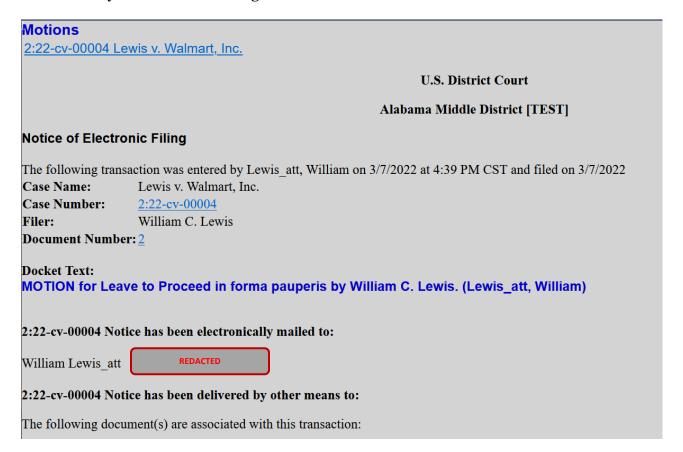
You have one opportunity to describe your document by entering text in the box, if appropriate. You can add modifiers from the drop-down menu and/or add information to the white box before finalizing your docket entry. You are not required to utilize either the drop-down menu or the blank white box.



Review this carefully; because once you click on the "**Next**" button, you will have no further opportunity to modify any part of this transaction.



If the information entered is correct, select "**Next.**" You will then receive a **Notice of Electronic Filing**. This screen tells you that your document has been filed, and who has been electronically notified of the filing.

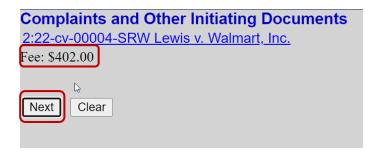


#### PAYING THE FILING FEE

If you are filing a Complaint or Notice of Removal, this screen appears after you set your 90 Day Rule 4(m) deadline. The filing fee is \$350.00, plus an administrative fee of \$52.00, for a total of \$402.00.

Complaints and Other Initiating Documents
22-cv-00004 Lewis v. Walmart, Inc.
Is this filed with an Application to Proceed Without Prepayment of Fees Y/N?
or
Is this complaint filed on behalf of the USA Y/N?
Next Clear

If you are paying the filing fee, place "N" in the box and click "Next."



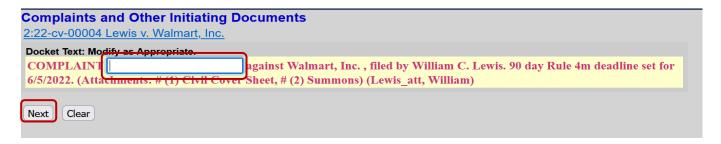
CM/ECF verifies the filing fee amount and directs you to press "Next" to accept.



You will then be routed to pacer.gov to pay your filing fee. Enter your password and login to complete the process for paying the filing fee.

## COMPLETING THE CASE OPENING PROCESS

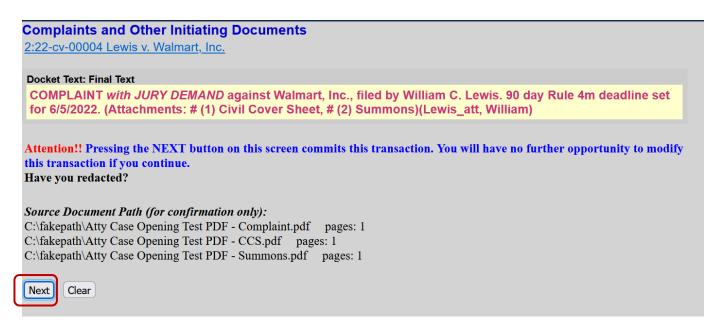
After completing the payment screens, CM/ECF returns you to the case opening program to complete the process.



You have one opportunity to describe your document by entering text in the box, if appropriate. You are not required to add anything to the white box unless your complaint is requesting a Trial by Jury. If you're pleading requests a Jury Trial in compliance with ALMD Local Rule 38.1, the enter the text "with JURY DEMAND." Select "Next."



This screen displays the final text as it will appear on the docket. Review this carefully; because once you click on the "Next" button, you will have no further opportunity to modify any part of this transaction.



If the information entered is correct, select "**Next.**" You will then receive a **Notice of Electronic Filing**. This screen tells you that your document has been filed, and who has been electronically notified of the new case.

#### **Complaints and Other Initiating Documents**

2:22-cv-00004 Lewis v. Walmart, Inc.

**U.S. District Court** 

Alabama Middle District [TEST]

#### Notice of Electronic Filing

The following transaction was entered by Lewis\_att, William on 3/7/2022 at 4:24 PM CST and filed on 3/7/2022

Case Name: Lewis v. Walmart, Inc.
Case Number: 2:22-cv-00004
Filer: William C. Lewis

Document Number: 1

Judge(s) Assigned: None (please contact the court)

#### Docket Text:

COMPLAINT with JURY DEMAND against Walmart, Inc., filed by William C. Lewis. 90 day Rule 4m deadline set for 6/5/2022. (Attachments: # (1) Civil Cover Sheet, # (2) Summons)(Lewis\_att, William)

2:22-cv-00004 Notice has been electronically mailed to:

William Lewis\_att

REDACTED

2:22-cv-00004 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

#### Just a Reminder!

Follow these steps to file an emergency matter:

- Open the case.
- File your emergency matter documents.
- Have your case number ready. Immediately call the Clerk's Office.
  - 0 334-954-3600
- The Clerk's Office will assign a judge to your case and notify them of the emergency.
- To ensure that your case receives the immediate attention it needs, please file prior to 4:30 P.M.