

United States District Court Western District of Michigan



FILING YOUR LAWSUIT IN FEDERAL COURT

**** This handbook is not for use by prisoners ****

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United States District Court
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So You Want to File a Federal Lawsuit Without a Lawyer?

You may file a federal lawsuit without a lawyer. However, before choosing to do so, you should consider a number of things. First, you should know that you will be expected to follow all laws governing procedure in the federal courts, including the Federal Rules of Civil Procedure and the Local Rules of the Western District of Michigan. Both the [Federal Rules](#) and the [Local Rules](#) are available on the Court's website. It is likely that a number of other laws and regulations will apply to your particular case, and you will need to ensure that you comply with the requirements of those laws as well.

Second, neither the Court nor the Clerk's Office can give you legal advice or "coach" you. This Handbook is designed to provide you some guidance in understanding how to proceed, but it is not intended to be comprehensive.

Third, this Handbook is designed as a guide for persons proceeding without a lawyer ***with the exception of prisoners. Prisoners should not use this Handbook, but must follow the instructions provided on the forms specifically designed for prisoner civil rights actions and habeas corpus proceedings. Those forms are available at most prisons and may also be found on the Court's website at [Prisoner Forms](#).***

The Different Courts in Michigan

You may be aware that there are both federal and state courts. In Michigan, state courts are divided by county, and enforce state and municipal laws. Each Michigan county has a *circuit* court, which decides issues brought under the laws of the state, such as family disputes, probate matters, broken contracts and actions brought under the state constitution. In addition, every city has a *district* court, which decides municipal matters, such as traffic tickets, landlord-tenant matters, and zoning matters. Although the Michigan state courts must enforce the federal constitution and laws, most of the cases they decide involve the constitution and laws of the state.

Federal courts were established by the United States government to decide disputes concerning the United States Constitution and laws passed by Congress and to decide certain disputes between residents of different states.

The state of Michigan has two federal courts, the Eastern District of Michigan and the Western District of Michigan. The Eastern District covers the eastern half of the lower peninsula. The Western District covers the rest of the state and has two divisions:

- The Southern Division comprises the counties of Allegan, Antrim, Barry, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Clinton, Eaton, Emmet, Grand Traverse, Hillsdale, Ingham, Ionia, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, Saint Joseph, Van Buren, and Wexford.
- The Northern Division comprises the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.

The Western District of Michigan maintains regional offices in Grand Rapids (headquarters), Kalamazoo, Lansing, and Marquette. New cases, as well as subsequent filings in ongoing cases, will be accepted in any of these locations regardless of the case number or judge assignment. Documents may be dropped off in person or delivered via mail. The Clerk's Office does not accept pleadings for filing via facsimile or email.

A map of the Western District of Michigan, including our office locations, can be accessed [here](#).

Types of Civil Cases Filed in the U.S. District Court

Generally, the following types of civil cases may be filed in the United States District Courts:

1. Cases where the United States government is a party.

The federal government and its agencies are subject to suit only when an Act of Congress (called a "statute") allows them to be sued. When Congress has authorized suit, the statute generally directs that the case must be brought in the federal district court. Examples of such lawsuits are claims for review of administrative decisions denying Social Security benefits or cases for personal injury or property damage brought against the United States for the negligent act of a federal employee.

2. Cases brought under the federal Constitution or statutes.

The United States District Court is limited to hearing the specific types of cases described in the Constitution or specifically provided for by Congress. Congress has passed statutes allowing a person to sue for violation of federal rights, including laws forbidding discrimination on the basis of race, gender, age or disability, violation of civil rights, and violation of employment rights.

Generally, a person suing for violation of rights created by a federal statute may sue in either state or federal court, except in those few instances where Congress has said that the case may only be filed in federal court. Whether you decide to sue in state or federal court, you should identify in your complaint the precise statute that gives you the right to bring suit.

The District Court also has authority to hear cases brought against a federal officer for alleged violation of a person's constitutional rights. In such a case, the officer, and not the United States government, is the appropriate defendant. Such cases may only be brought in federal court.

3. Cases where the parties reside in different states.

Most cases involve state law and must be brought in the state courts. The major exception is when the case involves more than \$75,000 in claimed damages and plaintiffs and defendants are from different states. These matters are called "diversity cases." In a diversity case, if all defendants are of different citizenship from the plaintiff, and the case involves more than \$75,000, then the case may be brought either in state or federal court, even though it involves only state law.

4. Removal Jurisdiction

If a case is filed in state court, the defendant may remove it to federal court if the case could have been brought in federal court in the first place. Therefore, if you bring a case in state court, the defendant may choose to remove it to federal court if the case is against the federal government, or is brought under a federal statute, or falls within the court's diversity jurisdiction. The removal must be done in a timely manner

and must conform to the requirements of the removal statute. If a case has been removed properly, it is thereafter treated as if it had been filed in federal court.

Filing in State or Federal Court

As noted above, in some circumstances you have the choice of filing suit in either state or federal court. There are practical differences between the state and federal court systems. In state court, the jury is selected from citizens residing in the county where the case was filed. In federal court, the jury is selected from citizens residing in the western half of the Lower Peninsula (in the Southern Division) or from the entire Upper Peninsula (in the Northern Division). Michigan's state courts are governed by different rules of procedure and have different time lines and fee schedules. It may be worthwhile to do some research to determine which court is better suited for your case. Please keep in mind that Clerk's Office staff cannot advise you on where to file a case.

Things You Should Know Before Filing a Lawsuit in Federal Court

If you decide to file your lawsuit in the U.S. District Court, you will need to file an initiating document (called a "complaint") with the Clerk's Office. The judge will expect you to state your case clearly, comply with filing procedures, meet all deadlines, and follow all procedural rules.

There is a **filing fee of \$405.00** for most types of civil lawsuits. The fee must be paid at the time your complaint is filed. If you are unable to afford the filing fee, you may petition the Court to waive payment of the filing fee.

Rule 11 of the Federal Rules of Civil Procedure prohibits the filing of lawsuits that are clearly frivolous or filed simply to harass someone. If the Court determines that you have filed a lawsuit for an improper or unnecessary reason, it may impose sanctions against you, including ordering you to pay any legal fees of the party that you sued.

You should consider the consequences of losing your lawsuit. Under limited circumstances, the winning party may ask that you be ordered to pay his/her attorney's fees. The winning party is also entitled to seek certain costs incurred during a lawsuit. These costs can include such items as deposition transcripts, witness fees, photocopying expenses, etc. In many cases, this can easily add up to thousands of dollars.

Obtaining Counsel

Litigants in civil cases, even if they are indigent, do not have a constitutional right to court-appointed counsel. Although Congress has appropriated funds to pay appointed attorneys in criminal cases, no such funds have been appropriated for civil cases. Except in the presence of extraordinary circumstances, the Court cannot generally appoint attorneys in civil cases. Therefore, you should do your best to find an attorney to represent you. Contacting one of the referral agencies listed below should assist you in this effort. Even if you have no money to pay attorney's fees, some lawyers may be willing to take a case on a contingency basis, which means you are responsible to pay legal fees only if you recover an award or settlement in the case.

Legal Resources

If you can afford to hire an attorney, you might consider contacting the State Bar of Michigan Lawyer Referral and Information Service at (800) 968-0738 or the Grand Rapids Bar Association Lawyer Referral and Information Service at (616) 855-0273. They can refer you to members of the Bar Association who practice the type of law with which you need assistance.

If you cannot afford an attorney but need legal advice, there are a number of agencies from which you may receive assistance (see below).

NOTE: Court and Clerk's Office staff CANNOT give you legal advice.

American Bar Association Lawyer Referral & Information Service	(800) 285-2221
Grand Rapids Bar Association Lawyer Referral & Information Service	(616) 855-0273
Legal Assistance Center (Kent County)	(616) 632-6000
Legal Services of Northern Michigan	
Escanaba	(906) 786-2303
Houghton	(906) 482-3908
Marquette	(906) 228-5620
Traverse City	(231) 941-0771
Sault Ste. Marie	(906) 632-3361
Legal Services of Western Michigan	
Big Rapids	(231) 796-4878
Grand Rapids	(616) 774-0672
Holland	(616) 394-1380
Kalamazoo	(269) 344-8113
Muskegon	(231) 726-4887
Niles	(269) 684-2920
St. Joseph	(269) 983-6363
Legal Services of South Central Michigan (Lansing)	(517) 394-3121
Legal Hotline for Michigan Seniors	(517) 372-5959
Michigan Indian Legal Services	(800) 968-6877
Michigan League for Human Services	(517) 487-5436
Michigan Protection and Advocacy Service, Inc.	(800) 288-5923
State Bar of Michigan Lawyer Referral Service	(800) 968-0738

Legal Research

Wayne State University, the University of Michigan, Michigan State University College of Law, Thomas M. Cooley Law School and the University of Detroit Mercy Law School libraries are open to the public, though they will not allow you to check out materials unless you are a student. Some libraries may require that you fill out a form and show your state ID prior to using their facility.

Certain college libraries have law-related collections, including Michigan State University, Western Michigan University, Grand Valley State University (Steelcase Library) and Northern Michigan University. These collections are not as extensive as most law school libraries.

The public libraries in Grand Rapids, Kalamazoo, Lansing and Marquette also maintain law-related collections.

You may also wish to conduct legal research via the Internet. Always use caution when referring to any information found on the internet and keep in mind that resources found there may be incorrect, outdated or not applicable in this Court.

What You Need to File With the Court

This section contains the basic items you will need when filing a general civil case. Additional information regarding these items can be found in later sections of this handbook. You may also find it helpful to familiarize yourself with the common legal terms found in the Glossary.

- 1) **Complaint:**
 - a) You will need to file an **original** complaint with the Clerk's Office. You will also need one copy of the complaint for the judge, as well as one copy for each defendant. ALL COPIES MUST BE IDENTICAL TO THE ORIGINAL.
 - b) Please keep a copy of everything you file with the court for your records. If you bring an extra copy with you when you file the original, the Clerk's Office can file/date stamp your copy. The Clerk's Office cannot make additional copies for you, so please bring the required number of copies. (Also, keep in mind that all original materials filed with the Clerk's Office become the property of the Court and will not be returned, although you may later purchase copies, if needed).
 - c) You will also need to fill out additional forms, as explained below. These forms may be obtained at the Clerk's Office, by clicking on the links below or via our website at www.miwd.uscourts.gov.
- 2) **Civil Cover Sheet:** This is an informational form used by the Clerk's Office when opening your case. You should complete this form to the best of your ability. If you do not know what to select, leave it blank. The Clerk's Office can provide you with explanations of items found on the form but cannot aid you in completing it.
- 3) **Summons** (1 summons is required for each defendant): This is a form which is provided (served) on a defendant to let them know they are being sued by you, as well as giving them information on how long they have to respond to your lawsuit. You should complete the top portion of this section (names and addresses) prior to giving it to the clerk. This form is not valid until signed and dated by a Deputy Clerk, so please do not "serve" it on any defendants prior to filing your case.
- 4) **Filing fee:** The civil case filing fee is currently **\$405.00**. If paying by check or money order, please make payable to "Clerk, U.S. District Court." If you cannot afford this fee, please see below.

Additional Forms (optional):

1) [Application to Proceed in District Court without Prepaying Fees or Costs \(AO 239\)](#)

If you are unable to pay the filing fee, you may apply to proceed without prepayment of the filing fee. Please complete this document in its entirety and submit the signed original with your complaint (no additional copies are necessary).

This is referred to as filing *in forma pauperis*. If the Court grants your request to proceed *in forma pauperis*, you will not have to pay the filing fee at the time your complaint is filed. It is important to keep in mind that even if you are granted pauper's status, you remain responsible for other costs of litigation, such as transportation, copy costs, court reporter fees, and transcript costs.

Preparing Your Complaint

The complaint is a document telling the Court whom you are suing, what your case is about and what you want the Court to do about it.

If you prepare your own complaint:

- The complaint must be legibly handwritten or typed;
- All pages should be on white 8½ x 11 inch paper in a condition suitable for scanning;
- The first page of your complaint should include the name of the Court and the names and addresses of ALL parties involved;
- Subsequent documents you file do not need to include the addresses of all parties, but must include the case number and case caption (the name of the first plaintiff and defendant, for example, Tom Jones v. John Smith)
- It is important that you make your complaint clear and understandable. (Note: It is not necessary to cite specific cases, and you should avoid "legalese." Write your complaint in concise, plain English.)
 - The Federal Rules require that the complaint set forth (1) the grounds on which the Court's jurisdiction depends, and (2) a short, plain statement of the facts upon which the plaintiff relies as the basis for asking for relief.
 - If the complaint fails to contain these two necessary requirements, the Court may dismiss the case.
 - Therefore, your complaint should state, in numbered paragraphs:
 - the type of claim you are asserting,
 - why you believe this Court has jurisdiction over the matter,
 - the facts of your claim,
 - whether you demand a jury or not, and
 - what relief you are seeking.
- Sign your name and include the current date at the end of the complaint. Also type or print your full name, address, phone number, and fax number (if available) below your signature. **Your contact information must appear below your signature at the end of the last page of every pleading you file (excluding exhibits or attachments).**

IMPORTANT NOTE REGARDING SENSITIVE INFORMATION: The Judicial Conference Privacy Policy requires that documents filed with the Court must not contain certain "personal identifiers." **Social Security numbers** and **financial account numbers** should not appear in papers filed with the Court. If it is absolutely necessary to refer to these numbers, use only the last four digits. The **names of minor children** should be limited to initials only, and **dates of birth** should include only the year. It is the filer's responsibility to redact this information. Keep in mind that with few exceptions, the documents filed with the court are available to the public online.

Preparing a Summons Form

The summons form is fairly simple to prepare. In the upper right corner of the form, after the word "TO," insert the name and address of the defendant (the person or company you are filing suit against). **If you are suing multiple parties, you must complete a separate summons for EACH defendant.** The Clerk's Office staff cannot issue a summons without the defendant's address. You should also include your contact information in the space below the name and address of the party being sued.

In the space that notifies the defendant of the number of days to file an answer, the most common option is "21" days. [NOTE: The time for filing an answer begins the date the summons and complaint are served, not the date the summons is issued.]

EXCEPTIONS: If you are suing the United States government, a federal agency or federal employee (such as the U.S. Post Office), enter "60" days. If the defendant is an agency of the United States and the complaint is brought under the Freedom of Information Act, enter "30" days.

Most summons forms include a return of service section at the bottom. Leave this blank. This section should only be completed **after** service has been made on the defendant.

Are you Suing the U.S. Government?

You may only sue the federal government when a specific statute allows you to do so. According to the Federal Rules, when you sue the United States government, you will need to serve summonses on three separate parties. The three parties include:

- the head of the agency you are suing
- the U.S. Attorney in Grand Rapids
- the U.S. Attorney General in Washington, D.C.

When suing a local office of a federal agency, you need to serve that office's headquarters, usually in Washington, D.C. For example, if you were injured at a local post office, you would actually serve the Postmaster General in Washington, D.C., **not** the local post office.

When suing the United States, your summonses should be directed to:

- 1) Office of the Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
- 2) United States Attorney
5th Floor Law Bldg.
330 Ionia Ave., N.W.
Grand Rapids, MI 49503
- 3) The head of the federal agency that you are suing. See below for contact information of common government agencies (*in most instances, you would only select one unless you are suing more than one agency*):

Social Security Administration
Office of Regional Chief Counsel - Region VII
Richard Bolling Federal Building
601 E 12th Street, Room 965
Kansas City, MO 64106-2898

U.S. Postmaster General
475 L'Enfant Plaza, S. W.
Washington, D.C. 20260-0010

Secretary, Department of Treasury
1500 Pennsylvania Ave., N.W.
Washington, D.C. 20260-0010

If you need an address not listed above, you can obtain assistance from the Federal Citizen Information Center at (800) 688-9889. Assistance is also available online at <http://www.firstgov.gov>.

If you are suing a federal officer individually, the summons and complaint must be served on the officer himself or herself, and not on the federal agency by which the officer is employed.

Filing Your Case

These instructions do not cover all circumstances, nor all types of cases. It is your responsibility to comply with the Federal Rules of Civil Procedure, the Local Rules of the Court, and any statutes and rules that may apply to your particular case.

When your paperwork is completely filled out, you may file it with any U.S. District Court Clerk's Office within the Western District of Michigan (see addresses below). You may file the paperwork in person or by mail.

(GRAND RAPIDS)

399 Federal Building (headquarters)
110 Michigan Street, N.W.
Grand Rapids, MI 49503
(616) 456-2381

(KALAMAZOO)

107 Federal Building
410 W. Michigan Avenue
Kalamazoo, MI 49007
(269) 337-5706

(LANSING)

113 Federal Building
315 W. Allegan Street
Lansing, MI 48933
(517) 377-1559

(MARQUETTE)

314 Federal Building
202 W. Washington
Marquette, MI 49855
(906) 226-2021

The **filing fee** must be paid at the time your complaint is filed (unless you are filing an Application to Proceed without Prepayment of Fees or an Affidavit of Financial Status). If you are paying by check or money order, please make the check payable to “**Clerk, U.S. District Court.**” Credit cards are also accepted.

If you pay the filing fee at the time of filing the complaint, a deputy clerk will assign a case number and judge, sign and seal your summons forms, and return the summons forms to you. Your case information and documents will then be entered on the Court’s electronic docket.

If you apply to proceed in forma pauperis and request a waiver of the filing fee, a deputy clerk will assign a case number and judge, and your case information and documents will be entered on the Court’s electronic docket. A judge will then review and make a determination on your application. Summonses will not be issued until after a determination is made regarding the filing fee. If the judge denies your application, you will be given a deadline in which to pay the filing fee. Your case may be dismissed for failure to comply within the deadline.

A judge may require you to supplement your complaint and/or application to proceed in forma pauperis with additional information. Again, your case may be dismissed for failure to comply.

Once your case is opened, everything you receive from the Court regarding your case will have the case number on it. Likewise, everything you send to the Court (after the complaint) must include the case number and case caption (name of the first plaintiff and defendant); for example, Tom Jones v. John Smith), along with your signature and current contact information.

The Court will mail you copies of all court-issued notices and orders entered in your case. Therefore, it is imperative that you keep the court advised of your current address. Failure to do so could result in your case being dismissed.

Serving the Defendant

To enable the Court to exercise jurisdiction over a defendant, a defendant must be “served with process.” Rule 4 of the Federal Rules of Civil Procedure explains the ways in which you can accomplish service of process on a defendant.

If you have been granted leave to proceed *in forma pauperis*, the Court will arrange for service of process—you are not required to do anything in this regard.

If you are not proceeding *in forma pauperis*, you must serve the summons, along with a copy of your complaint, on each defendant in one of the ways allowed by Rule 4. One of the allowable ways is to serve the summons and complaint by mail (certified with restricted delivery). You must file with the Court a “return of service” stating when and how service was made. The time in which the defendant must respond to the complaint begins on the date the summons and complaint are properly served on a defendant, not on the date the summons is issued.

After Service is Made

Once a defendant has been served, the defendant has several options: the defendant may file an answer, the defendant may file a motion, or the defendant may do nothing. If there is more than one defendant, a combination of these things may occur.

If the defendant files an *answer* (a response to your complaint), the judge assigned to the case will issue a case management order (also referred to as a scheduling order). This order is entered only after the

judge conducts a scheduling conference in court with the parties, or at least seeks your input in writing. A case management order sets deadlines for completing or filing certain things in a particular case. It may include deadlines for completing discovery, filing motions, or making disclosures to the opposing party. Most case management orders also set trial dates. The parties are responsible for adhering to all the requirements of the case management order, and a case may be dismissed if a plaintiff fails to abide by the order without a good reason for doing so.

If the defendant files a *motion* (a request for court action, such as immediate dismissal of the case), the motion typically will be decided before the complaint is answered and a scheduling conference is set.

If the defendant *files nothing* within the time allowed for filing a response to the complaint, you may request entry of default under Federal Rules of Civil Procedure 55.

Discovery

Discovery is the process of obtaining relevant information from the opposing party or from non-party witnesses. Discovery is allowable in most civil cases, but not in Social Security appeals.

The process of discovery is governed by Rules 26 through 37 of the Rules of Civil Procedure, as well as the orders of the Court. The case management order will contain a deadline for the completion of discovery. There are many different ways to obtain discovery. The most common ways include:

- interrogatories (written questions to the opposing party)
- requests for production of documents from the opposing party
- depositions (a recorded questioning of a party or a potential witness under oath)

If your case involves discovery, here are some things you should know:

- Make discovery requests promptly, so the party to whom the discovery is directed has sufficient time to answer or object before the discovery deadline.
- Respond to any discovery requests you receive. A party who does not respond to a discovery request may be subject to sanctions.
- Keep copies of all discovery records.
- **Do not send copies of discovery requests and answers to the Court, unless you are directed to do so by the Court.** You should file a certificate of service indicating to whom you provided discovery materials, the type of materials, how you provided, and when.

After Your Complaint is Filed

After you file the complaint, you should not send communication regarding your case directly to any judge. If you want to ask the Court to order something, you should file a motion. All pleadings and motions must be filed with the Clerk's Office.

When submitting a motion, you must file the original and one copy for the judge. **There is no fee to file a motion.** Every motion, unless uncontested, must be supported by a brief. Local Civil Rule 7 governs motion practice. You must comply with the requirements of this rule, including the limitations established for length of briefs and attempts to obtain concurrence from the other party's attorney prior to filing.

You must sign every pleading, motion, and brief that you file. If more than one party is representing himself or herself in a particular case, each party must sign each pleading, motion or other paper submitted on behalf of that party. You may not sign on behalf of any other party. If a party is a corporation, it must be represented by an attorney.

Any pleading, motion or other paper that you file with the Court must be served on all other parties. This means that if you file any paper with the Court, you must make a copy of that paper for each opposing party and mail it to the attorney representing each defendant or directly to the defendant, if there is no attorney. It is important to include a **certificate of service** on anything you file after your complaint, stating under oath **when you mailed copies and to whom they were sent.** Except for initial service of process by the Marshal for indigent parties, service of copies on opposing counsel is the sole responsibility of the litigant. Even if you have been granted leave to proceed *in forma pauperis*, the Court cannot serve your papers for you, make free copies on your behalf, or pay mailing costs for you.

You must notify the Court and all parties, in writing, of any change in your address. Failure to keep your address current may result in dismissal of your case.

Subpoenas are required whenever you intend to have someone appear at a hearing or trial, attend a deposition or produce documents for inspection. Pursuant to Rule 45(a)(3), "The clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it before service." There is no charge to obtain a subpoena.

Upon issuance of a subpoena, the clerk will provide you with a notice regarding service requirements of the subpoena. Keep in mind that even upon successful completion of service, any party served with a subpoena has the right to challenge the authority of the subpoena by filing a motion to quash with the appropriate court. The judge will determine whether or not the subpoena should be enforced.

End of Case

A case may end in any of several ways, or a combination thereof if your case involves multiple parties:

- Voluntary withdrawal (you may decide to no longer pursue the case);
- Default Judgment (a party you are suing may not answer or otherwise respond);
- Dismissal on motion (the judge may grant a defendant's request to dismiss the case);
- Stipulation (you and another party may reach an agreement to settle or dismiss the case);
- Transfer (circumstances may warrant the transfer of your case to another court);
- Trial (your case may go to trial and be decided by a jury or judge).

The Clerk's Office will mail you a copy of the closing document (order, opinion and/or judgment) for your records. At this point, the clerk will mark the case closed.

Filing An Appeal

You may appeal any order (decision) of a magistrate judge. Appeals of magistrate judge decisions are heard by a district judge in this Court.

You have the right to appeal any order of a district judge, including while the case is still pending. (This type of appeal is known as interlocutory and the case may be put on hold pending the outcome of the decision by the appeals court.) You may also appeal the final order (or judgment) of the district judge in your case.

Appeals from the Western District of Michigan are handled by the United States Court of Appeals for the Sixth Circuit. Refer to Rule 4 of the Federal Rules of Appellate Procedure for the time limits for filing an appeal.

To file an appeal, you must file with the U.S. District Court Clerk a [Notice of Appeal](#).

The filing fee for an appeal is currently \$605.00. If you cannot afford to pay the filing fee, you may file a motion for leave to proceed *in forma pauperis* on appeal. The District Court will make a determination on your application.

The Sixth Circuit will be notified of the appeal and will assign an appeal case number to you. All future filings regarding the appeal should be made directly with the Sixth Circuit. Remember to include the appeal case number on your pleadings. The District Court will be notified of the appeal number, as well as the final determination by the Sixth Circuit.

Additional Information

Clerk's Office Hours

The Clerk's Office is open Monday through Friday from 8:30 a.m. to 4:30 p.m., and is closed on federal holidays. For additional information on court closures, please refer to the Court's website at <http://www.miwd.uscourts.gov>.

Monitoring Your Case / Obtaining Copies / PACER

Public terminals are available at each Clerk's Office for reviewing documents filed in a case. The Clerk's Office will mail a copy of any court-issued notices or orders to you at no charge.

Copies of publically available documents from your case (or any other case) may be purchased through the Clerk's Office for \$.50 per page. Prepayment is required. An additional retrieval fee may be required if the document is old enough that it is housed at the Federal Records Center. Please contact any Clerk's Office if you would like more information on obtaining copies from a case in the Western District of Michigan.

If you have access to the internet, you may wish to obtain a PACER (Public Access to Court Electronic Records) account. PACER is a service which allows you to monitor filings in your case, as well as view other cases. PACER also allows you to view and print documents for a fee (typically, this fee is less than what the Court charges per page). Please visit [PACER's website](#) if you would like further information.

Glossary of Common Legal Terms

Answer - a pleading (formal document) filed in a civil case by the defendant in response to the allegations made in the plaintiff's complaint.

Appeal - asking a higher court (or judge) to review/reconsider the decision of a lower court (or judge).

Alternative Dispute Resolution (ADR) - any method used to resolve a dispute other than taking the case all the way to a trial proceeding. Examples of ADR include voluntary facilitative mediation and case evaluation. ADR programs are intended speed up the disposition of civil cases, as well as reduce the expenses associated with a trial.

Brief - a written statement submitted by each party in a case explaining why the court should decide the case, or particular issues in a case, in that party's favor.

Complaint - a written statement filed by the plaintiff that initiates a civil case, stating the wrongs allegedly committed by the defendant and requesting relief from the court. The complaint is served with a summons on the defendant to start the case.

Defendant - the person / company against whom a case is filed by a plaintiff.

Deposition - testimony of a witness taken, under oath and outside of the court, in response to another party's questions. A word for word account (transcript) is made of the testimony.

Discovery - the process by which parties learn about their opponent's case in preparation for trial. Typical tools of discovery include depositions, interrogatories, requests for admissions, and requests for document production.

Garnishment - a court order to collect money or property to pay a debt or judgment.

In forma pauperis - "in the manner of a pauper". Permission given by the court to a person to file a case without payment of the required court fees because the person cannot afford to pay them.

Interrogatory / Interrogatories - formal, written questions used to get information from another party in a lawsuit. Part of the discovery process. The person receiving the interrogatories is required to answer them in writing under oath.

Judgment - a court decision resolving the dispute between the parties to a lawsuit.

Jurisdiction - the legal authority of a court to hear and decide a case, and the geographic area over which the court has authority to hear cases.

Litigation - a case, controversy or lawsuit. Participants (plaintiffs and defendants) are called litigants.

Motion - a request by a litigant to a judge for a decision on an issue relating to the case.

Order - a written direction of a court or judge to do or refrain from doing certain acts.

Plaintiff - the person who sues or starts a civil case; also called petitioner or complainant.

Pro Se - a Latin phrase meaning "yourself" – representing yourself in any kind of case. (Also, Pro Per - a slang expression sometimes used to refer to a pro se litigant. It is the shortened version of the Latin phrase "in propria persona".)

Subpoena - a command to appear in court to testify as a witness.

Subpoena Duces Tecum - a type of subpoena requiring someone to produce documents or records for a trial.

Summons - a legal paper that is used to start a civil case and obtain jurisdiction over a party.

Transcript - the official written record of everything said at a court proceeding, hearing or deposition.

Venue - the court location.