

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS

INSTRUCTIONS TO THE PRO SE PLAINTIFF USING COMPLAINT FORM  
IN SUIT ALLEGING EMPLOYMENT DISCRIMINATION

A. Complaint

1. Along with these instructions, the Clerk has given you a complaint form. Your lawsuit begins the day you properly file this complaint form with the Clerk. You must correctly do several important things before the Court will consider your complaint to be properly filed.

2. Fill out the complaint form as best you can. The Clerk and the Court cannot give you legal advice, so you are on your own.

3. The person who files a lawsuit is called the plaintiff. The person or business who defends a lawsuit is called the defendant. You should wait to name the plaintiff(s) and the defendant(s) until you have filled out the entire complaint form. You should then copy the names from Section III of the complaint into the blank lines that make up the heading of your complaint. This will give you the official name of your lawsuit. The Clerk will give your lawsuit an official number.

4. While it is important to follow all the directions you will find in the complaint form, it is especially important that you attach a copy of the letter form the Federal Equal Employment Opportunities Commission (EEOC) that gives you the right to sue in United States District Court.

B. Filing

1. THERE IS A \$120 FILING FEE (ONE HUNDRED TWENTY DOLLARS). The Clerk will not officially file your complaint until one of two things happens:

- a. Either you pay the Clerk the \$120 filing fee; or
- b. You give the Clerk a Motion to Proceed in Forma Pauperis, wait, and the Judge agrees to allow your motion. If you are allowed to proceed in forma pauperis, you do not have to pay any filing fees. The Judge might allow your motion or he might deny it, depending on your finances.

**DO NOT TRY TO APPROACH THE JUDGE PERSONALLY.**

You must give the Clerk a motion and wait for a decision. FILING THIS MOTION MAY DELAY YOUR CASE. If your EEOC right-to-sue deadline is near, you must be careful. You will find important information about this in Section C of these instructions.

2. You must give to the Clerk a copy of your filled out complaint, and a copy of each attachment to your complaint, for each and every defendant in your lawsuit. You must also give the original of your complaint, and its attachments, to the Clerk to put in the official file.

For example, if you sue one defendant, you must give the Clerk one set of copies and one set of the original, plus keep a copy for yourself. If you sue two defendants, you must give the Clerk two sets of copies and one set of the original, plus keep a copy for yourself.

IT IS YOUR RESPONSIBILITY TO GIVE THE CLERK THESE COPIES, EVEN IF YOU GET PERMISSION FROM THE JUDGE TO PROCEED IN FORMA PAUPERIS. Your complaint cannot be processed without them.

3. You must fill out a Marshal's Form for each and every defendant in your lawsuit. The U.S. Marshal uses these forms to serve your complaint on the defendant(s) after your complaint has been properly filed. The Clerk will give you the number of blank Marshal's Forms that you need. Unless you are allowed to proceed in forma pauperis, you will have to pay a Marshal's service fee.

### C. Requesting Permission to Proceed in Forma Pauperis

1. If you want to request permission to proceed in forma pauperis instead of paying the \$120 filing fee, you must remember that the Court will not consider your lawsuit to be properly filed until the Judge allows your motion, if he does at all. If the Judge denies your motion to proceed in forma pauperis, you will have to pay the \$120 filing fee if you want to proceed with your lawsuit. If this is the case, your lawsuit will not be considered properly filed until you pay the \$120 filing fee.

2. The fact that your suit may not be considered properly filed is particularly important because you must properly file your suit by the time of the deadline set in your EEOC right-to-sue letter. If your lawsuit is not properly filed until after

that deadline, your lawsuit will be dismissed. This means you lose.

3. If you want to proceed in forma pauperis, have the Clerk give you a blank form of Motion to Proceed In Forma Pauperis, and of an Affidavit to Proceed In Forma Pauperis and for Appointment of Counsel.

4. Fill out the blank Motion, and blank Affidavit as best you can.

5. SIGN THE AFFIDAVIT ONLY IN THE PRESENCE OF A NOTARY OR THE CLERK. Otherwise, it will not be acceptable. The Notary or Clerk who watches you sign must also sign the Affidavit. You are under oath to tell the truth when you fill out this Affidavit and sign it.

This is the only paper that needs to be notarized. All other papers that these instructions talk about can be signed by you on your own without a notary.

6. Give the clerk the filled-out Motion to Proceed in Forma Pauperis and the filled-out Affidavit to Proceed in Forma Pauperis and for Appointment of Counsel. It is best to do this at the same time you give the Clerk the copies of your complaint and its attachments. You DO NOT need to make copies of this Motion and this Affidavit.

7. Although the Judge tries to decide motions to proceed in forma pauperis as soon as possible, you should allow yourself at least one week for purpose of your right-to-sue deadline. Even then, the Court cannot be responsible for deciding your motion in time to meet your deadline. Therefore, it is up to you to keep tabs on your motion as your deadline draws near. Although unlikely, it is possible that you might have to pay the \$120 filing fee to get your suit filed by your deadline, if for some reason the Judge has not ruled on your Motion by then.

#### D. Requesting Appointment of Counsel

1. In suits alleging employment discrimination, the Judge has authority to appoint counsel for the plaintiff. YOU DO NOT HAVE A RIGHT TO APPOINTED COUNSEL. Even if you cannot afford a lawyer, this decision is completely up to the Judge. In practice, lawyers are rarely appointed. If the Judge does not appoint a lawyer for you, it is up to you to proceed with your case on your own.

2. If you want to ask the Judge to appoint a lawyer for you, have the Clerk give you a blank form of Motion for Appointment of Counsel. If you have already filled out the Affidavit because you want to proceed in forma pauperis, you do not have to fill out another one -- it will do double duty. REMEMBER TO SIGN THIS AFFIDAVIT ONLY WHILE A NOTARY OR THE CLERK IS WATCHING YOU.

3. Give the Clerk the filled-out Motion and Affidavit. It is best to do this at the time you give the Clerk copies of your complaint and its attachments. Remember, if you are also asking to proceed in forma pauperis, the same affidavit will do double duty. You do not need to make copies of this Motion and this Affidavit.

4. Unlike submitting a Motion to Proceed In Forma Pauperis, asking the Judge to decide your Motion for Appointment of Counsel WILL NOT delay the Clerk in filing your lawsuit.