

## INSTRUCTIONS TO FILE A COMPLAINT ALLEGING EMPLOYMENT DISCRIMINATION

When filing a complaint against a United States Government agency for employment discrimination under Title VII, 42 U.S.C. § 2000e-16, or the Age discrimination Employment Act (ADEA), 29 U.S.C. § 633 (a), the filer must:

1. Name the **Agency** or the **Department**, **not** the individual heads of the agency itself.
2. If you are suing a federal agency, or person who works for a federal agency, and the Court allows you to proceed without prepayment of fees, you will need to fill out a summons form and a USM-285 form, which is provided by the Clerk, to serve the following:

Attorney General of the United States  
US Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

U. S. Attorney's Office  
318 S Sixth St.  
Springfield, IL 62701

3. File the complaint within thirty (30) days of final agency or EEOC action. If you are suing under the ADEA and did not file a complaint with the EEOC, you must file a complaint no sooner than thirty (30) days after giving the EEOC notice of your intent to sue but no later than one hundred and eighty (180) days after the alleged unlawful practice occurred.

The Department of the Army, Navy, Air Force, and the United States Postal Service are some of the governmental agencies falling under the above requirements.

### COMPLAINT

The following steps must be followed before the complaint is filed:

1. Complete the complaint form. Neither the Clerk nor the Court can give legal advice on how to complete the complaint form.
2. The person filing a complaint is called the plaintiff. The person or business who defends a lawsuit is called the defendant. Complete the complaint form before naming the plaintiff(s) and the defendant(s). Use the names from **Section I** of the complaint to complete the blank lines that make the heading of your complaint. Leave the "Case No." blank. The clerk will give the complaint a court number.

3. Attach to the completed complaint form a copy of the **letter** from the Federal Equal Employment Opportunities Commission (**EEOC**) that gives you the right to sue in the United States District Court.

### **FILING THE COMPLAINT**

1. The fee to file a complaint is **\$400.00**. You **must** either:
  - A. Pay the \$400 filing fee, or
  - B. File with the Clerk an Application to Proceed in Forma Pauperis (proceed without paying the filing fee). The Application will be presented to the Court which will either allow or deny the Application. If the Application to Proceed In Forma Pauperis is allowed, the \$400 filing fee will be waived. If the Application to Proceed In Forma Pauperis is denied, the \$400 filing fee must be paid by a date determined by the Court.
2. The following documents must be submitted to the Clerk when the lawsuit is filed:
  - A. One original complaint with any attachments (such as the EEOC right-to-sue letter), a copy of the complaint with attachments for each defendant named in the complaint. (It is the filer's responsibility to have these copies prepared. The Clerk's office charges \$.50 per page to make copies and will accept only cash or money orders in the exact amount.)
  - B. Application to Proceed In Forma Pauperis; OR \$400 filing fee (only cash or money order payable to "Clerk, US District Court" is accepted).
  - C. If an Application to proceed in forma pauperis is filed, plaintiff should complete one Summons form, and one U.S. Marshal Form for each named defendant. (This form is used by the U.S. Marshal to serve each named defendant when the filer is allowed to proceed in forma pauperis.) The Clerk can provide these forms.
  - D. If the \$400 filing fee is paid, OR the application to proceed in forma pauperis is denied, a summons form OR a Notice of Lawsuit and Waiver of Service must be completed for each named defendant. The clerk can also provide these forms.

### **APPOINTMENT OF COUNSEL**

In civil cases, a plaintiff does not have a constitutional right to appointed counsel, however, you may still request the Court appoint you counsel by filing a Motion for Appointment of Counsel. The form is provided by the Clerk's Office.