

United States District Court for the Eastern District of Texas
Pro Se Instructions
www.txed.uscourts.gov

Federal courts have limited jurisdiction. Civil cases and miscellaneous cases (designated for limited filings ancillary to other federal cases) not subject to this court's jurisdiction will be dismissed without refund of the filing fee (or if subject to another federal court's jurisdiction, may be transferred by court order). Carefully ensure your case is subject to this court's jurisdiction before you file. Court staff are prohibited from providing legal advice.

If you represent yourself, you are considered "*pro se*." A non-exhaustive list of legal services is available on our website under **Pro Se**, then [Legal Resources](#). (The Court neither endorses nor guarantees service.)

1. **Rules:** Filings in civil cases must comply with the [Federal Rules of Civil Procedure](#) (Fed. R. Civ. P.) and the [Local Rules for the Eastern District of Texas - Civil Rules](#) (LR CV). They are available on our website under **Rules & Orders**, then **Local Rules** and **Federal Rules**. You must also comply with the judge's orders.
2. **Complaint, Civil Cover Sheet, and Filing Fee:** Type or write your documents and sign in ink. Deliver or mail them with the filing fee to the appropriate office. (See our website under **Court Information**, then [Court Directories](#).)
 - The complaint form, available on our website under **Pro Se** then [Pro Se Forms](#), must be redacted to protect personal identifiers. (See instructions under **Filing**, then [Sensitive Information](#).) Responsibility for redaction rests solely with the parties; the clerk will not review documents for compliance with [Fed. R. Civ. P. 5.2](#).)
 - [Civil Cover Sheet - JS 44](#), found under **Forms**, then [Civil Forms](#), must accompany the complaint.
 - The fee to file a complaint may be found is available on our website under **Filing**, then [Fee Schedule](#). If you cannot afford to pay the filing fee, you may request to proceed *in forma pauperis* (IFP status). You may obtain a [Motion to Proceed In Forma Pauperis](#) (IFP) under **Pro Se**, then [Pro Se Forms](#). (Incarcerated plaintiffs have additional requirements and may usually obtain an IFP application from their unit's law library.)
3. **Summons:** Unless the defendant [waives service](#), you must "serve" the defendant with a copy of the complaint in accordance with the provisions and constraints found in [Fed. R. Civ. P. 4](#).
 - If you paid the filing fee, prepare for the clerk's issuance a [Summons in a Civil Action](#), available on our website under **Forms**, then [Civil Forms](#), for each defendant (and if suing a federal agency or employee thereof, two additional for the local U.S. Attorney and the U.S. Attorney General – see the [Designation of Personnel for Acceptance of Service of Process upon the U.S. Attorney in Civil Cases](#) under **Filing**, then [Filing Resources](#), then [Civil Cases](#)).

After service is complete, proof of service must be filed (see [Fed. R. Civ. P. 4\(I\)](#)). If certified or registered mail is used pursuant to Tex. R. Civ. P. 106, carefully review the related rules regarding who may serve, what is required to show proof of service, etc. (This includes, but may not be limited to, [Tex. R. Civ. P. 103, 106, 107](#).) Federal and state law prohibit the plaintiff from effecting service, even by mail. If you seek to use someone to perform service by certified or registered mail who is not authorized by law or certified as a private process server under order of the Texas Supreme Court, submit your request to the judge in writing.

 - If you are granted IFP status and the judge has instructed that service of process should commence, the clerk may send you forms to complete and return so that the U.S. Marshals Office may effectuate service.
4. **Answer:** In most cases, the defendant has 21 days to answer unless the defendant is the United States or an employee thereof, in which case the defendant has 60 days to answer.

5. **Certificate of Service:** After another party has filed a document in the case, any document you send to the clerk for filing (vs. being electronically filed (e-filed) by you should you obtain the Court’s permission to e-file under [LR CV-5\(a\)\(2\)\(b\)](#)), must include a Certificate of Service. Although the clerk’s docketing of paper filings into the court’s Case Management/Electronic Case Files (CM/ECF) system *may* result in the service of your document upon registered CM/ECF users pursuant to [LR CV-5\(a\)\(3\)\(A\) and \(C\) and \(e\)](#), you must not rely on the clerk to serve a document you file in paper. For example: If you file a sealed document, CM/ECF does not allow any party to open the document. If another party is not a registered CM/ECF user or has not consented to receive electronic notice, CM/ECF will not serve notice on the party.

A document that does not include a required certificate of service may be identified by the clerk as “deficient,” which will require it to be refiled ([see LR CV-10\(d\)](#)). Sample certificate of service language, which should appear after the usual signature block at the end of the document, is shown below:

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was forwarded by [authorized method used to serve] to [each attorney/party name that you serve] on [date].

[Signature]

6. **Judge:** Once your case is filed, it will be assigned to a United States District Judge and may be referred to a United States Magistrate Judge for further action. Depending on the type of case, the Clerk of Court may also send a notice that allows you, if you desire, to consent to the assigned magistrate judge to preside over the case and conduct the trial. If all parties consent to this and the district judge approves, the case will be assigned to the magistrate judge, who will later enter the final judgment. Any appeal taken by any party will be heard by the applicable appellate court.

If you wish to communicate with a judge assigned to your case, you must file a document with the Clerk that includes a certificate of service. If you mail a letter or document directly to the judge, it will usually be sent to the Clerk’s Office with instruction to docket it because documents not served on the other parties (also known as “ex parte” documents) are not allowed except when authorized by law. When the clerk docketed the letter or document, it may be available to the other parties and the public via the judiciary’s Public Access to Courts Electronic Records (PACER) system. Ensure everything you send to the court that will be publicly filed complies with the redaction requirements found in [Fed. R. Civ. P. 5.2](#).

7. **Your Address:** Under [LR CV-11](#), the signature block on each filing must include your name and physical address (a PO Box is not allowed). It is helpful for you to also include your telephone number and email address. Should your physical address change after you file the complaint, you must file a written notice that identifies all cases pending in this district. If you fail to keep the clerk apprised of your current address, you may not receive orders and notices of hearings, which could result in your case being dismissed.
8. **Consent to Receive Electronic Notice:** If you are a pro se litigant who is not in custody, you may consent to receive electronic notice of documents filed in your case. If you consent, each time a public document is docketed to your case by the clerk or another party’s attorney, CM/ECF will automatically send an email to you that contains a link to open the document, which you may then save or print. Consenting to receive electronic notice is voluntary. The consent form, which explains all requirements and conditions, is available on our website under the **Pro Se**, then **Pro Se Forms**, then [Non-Prisoner Pro Se Consent to Receive Electronic Notice](#).