

***UNITED STATES DISTRICT COURT
For the Eastern District of Virginia***

***Pro Se
Reference
Handbook***



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UNITED STATES DISTRICT COURT

For the Eastern District of Virginia

Pro Se Litigant Reference Handbook

Introduction

Welcome to the United States District Court for the Eastern District of Virginia. The Eastern District of Virginia consists of four divisions: Alexandria, Newport News, Norfolk, and Richmond.

The following instructions have been compiled to assist any person wishing to represent themselves (pro se) in a civil action in the Eastern District of Virginia. These procedures do not satisfy all needs, nor is this handbook a substitute for legal representation. The information contained herein is not legal advice.

The Clerk's Office is prohibited from providing legal advice of any kind.

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Pro Se Definition

If you are representing yourself without the benefit of an attorney, you are known as a **PRO SE LITIGANT**. A pro se litigant may only represent themselves; they may not represent any other person or entity (including companies).

All litigants are expected to follow the rules that govern the practice of law in the Federal Courts and be familiar with the Federal Rules of Civil Procedure and the Local Rules of this Court. The Federal Rules are available at public libraries, public law libraries, or on the internet. The Local Rules can be accessed on our website, www.vaed.uscourts.gov, or from a public law library.

The Access to Justice Task Force of the Federal Bar Association created a handbook to serve as a resource for litigants in federal court who are proceeding on a pro se basis. The handbook, titled, "Representing Yourself in Federal District Court: A Handbook for Pro Se Litigants," is available online at Pro Se Handbook.

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Legal Resources Available – Alexandria

The following are legal resources in Alexandria that are available to people representing themselves pro se:

Alexandria Division Resources	
Resource	Telephone Number
Legal Services of Northern Virginia, Inc. 121 N. Washington St Suite 300A Alexandria, VA 22314	703-778-6800
Alexandria Bar Lawyers Referral 520 King Street Suite 202 Alexandria, VA 22314	703-548-1105
Alexandria Law Library 520 King Street Suite 308 Alexandria, VA 22314	703-838-4077
Virginia Lawyer Referral Service sponsored by Virginia State Bar	1-800-552-7977 or www.vsb.org

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**Legal
Resources
Available –
Norfolk/
Newport News**

The following are legal resources in Norfolk/Newport News that are available to people representing themselves pro se:

Norfolk/Newport News Division Resources	
Resource	Telephone Number
Legal Aid Society of Eastern Virginia - Norfolk/Portsmouth 125 St. Paul's Blvd Norfolk, VA 23510	757-627-5423
Legal Aid Society of Eastern Virginia - Hampton/Newport News 30 W. Queens Way Hampton, VA 23669	757-275-0080
Legal Aid Society of Eastern Virginia - Virginia Beach Pembroke 4 291 Independence Blvd Virginia Beach, VA 23462	757-552-0369
Legal Aid Society of Eastern Virginia – Suffolk 155 E Washington St Suffolk, VA 23434	757-539-3441
Senior Law Center (for persons 60 or older) 125 St. Paul's Blvd Norfolk, VA 23510	757-627-3232
Virginia Lawyer Referral Service sponsored by Virginia State Bar	1-800-552-7977 or www.vsb.org

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Legal Resources Available— Richmond

The following are legal resources in Richmond that are available to people representing themselves pro se:

Richmond Division Resources	
Resource	Telephone Number
Central Virginia Legal Aid Society 115 S. 15th Street, Suite 400 Richmond, VA 23219	804-648-1012
Virginia Lawyer Referral Service sponsored by Virginia State Bar	1-800-552-7977 or www.vsb.org

Filing Fee

The charge for filing a complaint or notice of removal is \$405.00. The filing fee for a habeas corpus petition, a legal action through which a person can seek relief from the unlawful detention of himself or herself or of another person, is \$5.00. This may be paid with exact cash, credit/debit card, check, or money order (made payable to Clerk, U.S. District Court).

If the payment of fees poses a hardship, the filer may apply to be excused from the payment of fees by completing the form “Motion/Application to Proceed Without Prepayment and Affidavit.” The form may be obtained from the Court’s Internet site at www.vaed.uscourts.gov, and from the Clerk’s Office. Click this link for the form [Application to Proceed Without Prepayment and Affidavit](#). The motion/application should be submitted with your complaint. If the Court allows waiver of fees, then the filing and the service fee of the U.S. Marshal do not need to be paid.

“Service” is the term used to describe the procedure by which a defendant is informed of a lawsuit that has been commenced or of additional pleadings added to the file as the case proceeds.

Please Note: If your fees are waived, it applies only to the filing and service fees. All other costs, such as copy or transcript fees, will be your responsibility.

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Filing Procedures

The Court requires an original of each document filed. Court documents must be typed, printed, or legibly handwritten on one side of 8 1/2 x 11-inch paper, and the pages must be sequentially numbered. Any documentation submitted with a pleading must be attached to the pleading and referred to in the pleading.

Electronic Document Submission

The Court allows *pro se* litigants to electronically submit documents for filing. The Electronic Document Submission System (EDSS) provides a secure, convenient alternative for submitting documents to the Clerk's Office for filing, reducing the need for in-person visits or reliance on traditional mail. Requirements for submitting documents electronically may be found in the EDSS Manual. See additional information regarding EDSS on the Court's EDSS Resource Page.

Ghostwriting Certificate

All documents submitted to the Court must contain a *Ghostwriting Certification* declaring whether or not you received help from an attorney in preparing your documents in accordance with Local Rule 83.1(N). Click on this link for the form *Ghostwriting Certification*.

Copies of Court Documents

Do not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office to be copied and returned. The fee for copying of court documents done by the Clerk's Office is \$0.50 per page for paper documents and \$0.10 per page for electronic documents. Payment is due at the time of the copy request.

Address Change

The Court must be informed of any change of address. The Clerk's Office must have a current, correct address and telephone number in the file. In the event of a move, the Court must be promptly notified in writing of any change of status.

Rules to Follow

The Federal Rules of Civil Procedure and the Court's Local Rules must be followed throughout the life of the case. These rules can be found on the Court's Internet site at www.vaed.uscourts.gov and are also available at public law libraries. The Clerk's Office employees are not attorneys and are prohibited from giving legal advice or acting as counsel.

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E-Noticing

Although pro se litigants are prohibited from filing documents electronically and are not issued ECF filing log ins and passwords, pro se litigants who are not currently incarcerated have the option to receive documents in their cases electronically (by e-mail) instead of by regular mail.

Note: Social Security and Civil Immigration case documents (except for orders of the court) are restricted from remote electronic access for non-filing users. If a pro se litigant is granted approval for E-Noticing in a social security or civil immigration case, then the pro se litigant must still receive documents either on paper or via email from opposing counsel for cases with social security or civil immigration causes of action.

Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER at www.pacer.uscourts.gov or calling 1-800-676-6856 (PACER stands for Public Access to Court Electronic Records which is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.); and
2. Complete and sign the *E-Noticing Registration* form.

If you consent to receive documents electronically and the request is approved by the judge, you will receive a *Notice of Electronic Filing (NEF)* by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one “free look” at the document by clicking on the hyperlinked document number in the e-mail. Once you click the hyperlink and access the document, you will not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time the hyperlink is accessed after the “free look” or the 15 days has expired, you will be asked for a PACER login and will be charged to view the document. For this reason, ***you should print or save the document during the “free look” to avoid future charges.***

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E-Noticing (continued)

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 1, and the Court's Electronic Case Filing Policies and Procedures, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail.
2. If you do not view and download your documents during the "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the document (s).
3. This service does *not* allow you to electronically file your documents.
4. It will be your duty to regularly review the docket sheet of your case. (The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.)
5. You will still be required to serve paper documents on opposing counsel or pro se litigants by mail unless the parties agree to accept service by e-mail in lieu of a paper document. If the document is one that is exempt from electronic case filing or the document is one that is not electronically viewable, such as a sealed document, then you must serve paper documents on opposing counsel or pro se litigants even if the parties agree to accept service by e-mail in lieu of a paper document.
6. You will be responsible for immediately notifying the court in writing of any change of your e-mail address.

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Step 1 – Write Your Complaint

Civil lawsuits in Federal Court begin with the filing of a complaint. (*The Complaint is not a letter to the judge.*) The name of the court, “The United States District Court for the Eastern District of Virginia,” and name of the divisional office, should appear on the first page, centered at the top of the page. Here is a link to sample complaints:
<http://www.uscourts.gov/forms/pro-se-forms>.

The complaint must include the following:

- A caption that contains the names of the litigants, such as name and address of the plaintiff(s) (person(s) filing the lawsuit) versus the name and address of the defendant(s) (person(s) being sued). This caption should appear on the upper left-hand side of the first page.
- A clear, concise statement of the allegations or claims you are making against the defendant(s) and reference to the laws or statutes under which federal jurisdiction is being claimed, i.e., why this lawsuit is being filed in federal court. (See Rules 8 and 10 of the Federal Rules of Civil Procedure.)
- A statement of the relief being sought – what the Court should do to correct the situation.

Also be sure to do the following:

- **Each** plaintiff must sign and date the complaint.
- Type or legibly write the complaint on 8 ½” x 11” paper.
- Include a current address where notices from the Court or the opposing side may be served.
- Include a *Ghostwriting Certification* declaring whether or not you received attorney assistance with filings (See Local Civil Rule 83.1(N)).
- Submit a copy of the complaint for each defendant against whom the lawsuit is being filed.

To comply with the E-Government Act of 2002, do not include any sensitive information on documents filed with the Court. If sensitive information must be included, personal identifiers must be redacted as follows:

- Names of minor children to initials (Example: A.J., B.T.).
- Account numbers to the last four digits (xxxx-xxxx-1212).
- Social Security Numbers to the last four digits (xxx-xx-1212).
- Dates of birth to the year only (DOB 1999).

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Step 2 - Submission of the Complaint

When you submit your complaint to the Court, provide the following:

- The applicable filing fee for a civil suit or your *Application to Proceed Without Prepayment and Affidavit*. Your application to proceed without prepayment will be submitted to the judge for consideration. If your application is granted, the court will enter an order and your complaint will be filed. If your application is denied, you will be required to pay the filing fee to continue with your case.
- The original Complaint and an identical copy, including any exhibits, attachments, or motions that you submitted with the Complaint, for **EACH** Defendant to be served.

Note: If the Defendant is either an agency of the United States or an officer or employee of the United States, you must provide **two** additional copies of the complaint, including any exhibits, attachments, or motions that you submitted with the Complaint. The additional copies are for service on the U.S. Attorney General and the local U.S. Attorney in the division where the case is being filed.

Step 3 - Service of Process by Summons

“Service of Process” refers to the procedure of notifying a defendant that a lawsuit has been filed, what the lawsuit is about, and the time for filing an answer. ***A case cannot proceed against a Defendant who has not been served.***

If you have paid the filing fee, in accordance with Rule 4 of the Federal Rules of Civil Procedure, you are responsible to arrange for service of the Complaint within 90 days from the date the Complaint is filed. If service is not affected within 90 days, your case may be dismissed. Rule 4 of the Federal Rules of Civil Procedure and Local Civil Rule 4 direct how service must be made. **Once service is made, the original summons is to be returned to the Court by mail or hand delivery.**

If your IFP is granted, the Court will arrange to effect service for you by the U.S. Marshal’s Service. The Court will need each defendant’s complete address or the name of the registered agent if the Defendant is a business or an entity.

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Service of Process by Mail

Rule 4 of Federal Rules of Civil Procedure also provides for service of the complaint by mail using the “Notice of Lawsuit” and “Waiver of Service of Summons” forms. Rule 4 permits a defendant to waive personal service of process. This means that the defendant(s) agrees to respond to the Complaint without being personally served with a summons. A *Notice of Lawsuit and Waiver of Service of Summons* form must be completed for each defendant. These forms may be obtained from the Clerk’s Office or on our website at www.vaed.uscourts.gov. The *Notice of Lawsuit and Request to Waive Service of Summons* form is provided in this handbook.

To request waiver of service of summons from a Defendant, you must send the Defendant the following items by first class mail or other reliable means:

- Completed *Notice of Lawsuit and Request to Waive of Service of Summons* forms.
- An extra copy of the *Waiver of Service of Summons* form for the Defendant to keep.
- A self-addressed stamped envelope so the Defendant can return a *Waiver of Service of Summons* to you.
- A copy of the complaint, including any exhibits or attachments, *Ghostwriting Certificate*, or any motions that you submitted with the complaint.

When you receive the signed *Waiver of Service of Summons* form from the Defendant(s), you must file the original(s) with the Court. If the Defendant fails to return the *Waiver of Service of Summons* form within the specified time, you must submit a written notification to the Clerk and request that a summons be issued by the Clerk’s Office.

Note: Notice and Waiver forms **cannot** be used when the defendant is the United States, a federal government agency, or a federal government official or employee of a foreign, state, or local government sued in his official capacity.

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Service of Process on a U.S. Government Agency or Employee

If the Defendant is either an agency of the United States or an officer or employee of the United States, you must also serve both the U.S. Attorney General and the local divisional U.S. Attorney's Office with a Summons form. You can serve the summons and complaint either by first class mail (or other reliable means) or you may have the summons and complaint personally served by any person not less than 18 years of age who is not a party to or has an interest in the subject matter of controversy.

Serve the Attorney General of the United States and the local U.S. Attorney as shown below:

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Divisional Office	Local U.S. Attorney's Office Address
Alexandria	United States Attorney for the Eastern District of Virginia 2100 Jamieson Avenue Alexandria VA 22314
Norfolk	United States Attorney for the Eastern District of Virginia 101 W Main St, #8000 Norfolk, VA 23510
Newport News	United States Attorney for the Eastern District of Virginia 721 Lakefront Commons, #300 Newport News, VA 23606
Richmond	United States Attorney for the Eastern District of Virginia Suntrust Building 919 East Main Street Suite 1900 Richmond, VA 23219

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Copies of Pleadings to Opposing Side

After a defendant has been served with the complaint, a copy of any pleading submitted to the Court must also be sent to the defendant's attorney (or to the defendant, if unrepresented) in accordance with Rule 5 of the Federal Rules of Civil Procedure.

All pleadings must contain a *Certificate of Service* reflecting that a copy of the pleading has been sent to the opposing side. Click on the link for the form *Certificate of Service*.

All documents submitted to the Court must contain a *Ghostwriting Certification* declaring whether or not you received help from an attorney in preparing your documents. Click on this link for the form *Ghostwriting Certification*.

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Motions Practice

At no time should you send any communication about your case directly to a judge unless you are directed to do so. If you want to ask the Court to order something, you must file a Motion with the Clerk's Office.

For each motion you must:

- Submit a signed original motion to the Clerk, which includes your address and phone number.
- Send a copy to the Defendant(s) or to the Defendant's attorney if the Defendant is represented by counsel.
- Include a *Certificate of Service* showing service was made on all parties.
- Include a *Ghostwriting Certification* declaring whether you received attorney assistance with the filings (See Local Civil Rule 83.1(M)).

Alexandria Division: Unless otherwise ordered, motions hearings for civil cases are held on Fridays at 10:00 a.m. for all judges.

To set a civil motion for a hearing, you need to do the following:

- File a "Notice of Hearing" with your motion, setting the motion for a Friday at 10:00 a.m.
- Select your Friday motion date according to the following deadlines:
 - Non-dispositive motions (e.g., discovery, default judgment, leave to file an amended complaint, etc.) must be filed by 5:00 p.m. Friday for the following Friday's hearings.
 - Dispositive motions (e.g., summary judgment, dismiss case, etc.) must be filed and noticed for a Friday after the 11-day response deadline expires.

Note: If a motion is filed by the Defendant(s), your response to the motion must be filed within the time allowed by the Local Civil Rules and Federal Rules of Civil Procedure.
