

DISTRICT COURT OF THE VIRGIN ISLANDS

NON-PRISONER PRO SE LITIGANT GUIDE



FILING A CIVIL ACTION IN FEDERAL COURT

Disclaimer: This guide is not legal advice and is not a substitute for hiring an attorney to represent you.

DISTRICT COURT OF THE VIRGIN ISLANDS

8:00 AM - 5:00 PM | Monday - Friday

www.vid.uscourts.gov

St. Thomas/St. John Division

Ron deLugo Federal Building and Courthouse
5500 Veterans Drive, Rm. 310
St. Thomas, VI 00802
(340) 774-0640

St. Croix Division

Almeric L. Christian Federal Building and Courthouse
3013 Estate Golden Rock, Suite 219
St. Croix, VI 00820
(340) 718-1130

OFFICE OF THE CLERK OF COURT

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INTRODUCTION

Purpose of this Guide: To assist you in filing a lawsuit in federal court where you have elected to proceed *pro se* – that is, without assistance of a licensed attorney. This Guide is not intended for prisoner litigation.

Limitations of this Guide: This Guide is not intended to be comprehensive. Rather, it merely outlines the basic steps that are required to properly file an action, or lawsuit, with this Court. It also provides some general guidance regarding the next steps in the process of litigating the action once you have filed it with the Clerk of Court.

Role of U.S. District Court and the Clerk’s Office: Neither the Court nor the Clerk’s Office can provide legal advice, interpret or apply court rules, or otherwise participate, directly or indirectly, in any action.

Laws, Rules and Procedures: You must be familiar with the Federal Rules of Civil Procedure (“FRCP”) and the Federal Rules of Evidence (“FRE”). These rules set forth the general procedural requirements for litigating cases in all federal courts. Federal laws can be found in the United States Code. The contents of each of these publications can be found on the Internet at the following website addresses:

<http://www.uscourts.gov/rules-policies/current-rules-practice-procedure>

You must also be familiar with the District Court’s Local Rules of Civil Procedure (“LRCi”) which apply specifically to proceedings in this Court. A copy of the Local Rules is available on the Court’s website at www.vid.uscourts.gov.

Warning: Rule 11 of the Federal Rules of Civil Procedure prohibits filing lawsuits that are clearly frivolous or filed merely to harass an individual. If after reviewing your complaint, the Court determines that you have filed a lawsuit for an improper or clearly unnecessary purpose, it may impose sanctions against you, including ordering you to pay a fine to the Court or pay the legal fees of the person or persons against whom you filed the lawsuit. Other rules of civil procedure allow that if you lose your case, you may be required to pay some of the costs that the winning party incurred in the lawsuit.

DEFINITIONS OF COMMON LEGAL TERMS¹

Answer	The formal written statement by a defendant in a civil case that responds to a complaint, articulating the grounds for defense.
Brief	A written statement submitted in a trial or appellate proceeding that explains one side's legal and factual arguments.
Clerk of Court	The court officer who oversees administrative functions, especially managing the flow of cases through the court. The clerk's office is often called a court's central nervous system.
Complaint	A written statement that begins a civil lawsuit, in which the plaintiff details the claims against the defendant.
Counsel	Legal advice; a term also used to refer to the lawyers in a case.
Damages	Money that a defendant pays a plaintiff in a civil case if the plaintiff has won. Damages may be compensatory (for loss or injury) or punitive (to punish and deter future misconduct).
Default judgment	A judgment awarding a plaintiff the relief sought in the complaint because the defendant has failed to appear in court or otherwise respond to the complaint.
Defendant	An individual (or business) against whom a lawsuit is filed.
Discovery	Procedures used to obtain disclosure of evidence before trial.
District judge	A federal judge who is appointed under Article III (or Article IV) of the Constitution. Article III (and Article IV) judges are nominated by the President and confirmed by the Senate.
Docket	A log containing the complete history of each case in the form of brief chronological entries summarizing the court proceedings.
File	To place a paper in the official custody of the clerk of court to enter into the files or records of the case.
<i>In forma pauperis</i>	"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 pay them.
Interrogatories	A form of discovery consisting of written questions to be answered in writing and under oath.
Judgment	The official decision of a court finally resolving the dispute between the parties to the lawsuit.

¹ See Glossary of Legal Terms, Administrative Office of the Courts, available at <http://www.uscourts.gov/glossary>

Jurisdiction	The legal authority of a court to hear and decide a certain type of case. It also is used as a synonym for venue, meaning the geographic area over which the court has territorial jurisdiction to decide cases.
Lawsuit	A legal action started by a plaintiff against a defendant based on a complaint that the defendant failed to perform a legal duty which resulted in harm to the plaintiff.
Litigation	A case, controversy, or lawsuit. Participants (plaintiffs and defendants) in lawsuits are called litigants.
Magistrate judge	A judicial officer of a district court who conducts initial proceedings in criminal cases, decides criminal misdemeanor cases, conducts many pretrial civil and criminal matters on behalf of district judges, and decides civil cases with the consent of the parties.
Moot	Not subject to a court ruling because the controversy has not actually arisen, or has ended.
Motion	A request by a litigant to a judge for a decision on an issue relating to the case.
Plaintiff	A person or business that files a formal complaint with the Court.
Pleadings	Written statements filed with the Court that describe a party's legal or factual assertions about the case.
Sanction	A penalty or other type of enforcement used to bring about compliance with the law or with rules and regulations.
Service of Process	The delivery of writs or summonses to the appropriate party.
Settlement	Parties to a lawsuit may resolve their dispute without having a trial. Settlements often involve the payment of compensation by one party in at least partial satisfaction of the other party's claims, but usually do not include the admission of fault.
Summary Judgment	A decision made on the basis of statements and evidence presented for the record without a trial. It is used when it is not necessary to resolve any factual disputes in the case. Summary judgment is granted when – on the undisputed facts in the record – one party is entitled to judgment as a matter of law.

GENERAL INFORMATION

LOCATION OF THE OFFICES OF THE CLERK OF COURT

The District Court of the Virgin Islands is divided into two divisions – the St. Thomas/St. John Division and the St. Croix Division. The Clerk’s Offices are open Monday through Friday, 8:00 a.m. to 5:00 p.m., with the exception of federal holidays or by order of the Court.

ST. THOMAS/ST. JOHN DIVISION

District Court of the Virgin Islands
Ron de Lugo Federal Building
and Courthouse
5500 Veterans Drive, Room 310
St. Thomas, VI 00802
340-774-0640

ST. CROIX DIVISION

District Court of the Virgin Islands
Almeric L. Christian Federal Building
and Courthouse
3013 Estate Golden Rock, Suite 219
St. Croix, VI 00820
340-718-9502

FINDING INFORMATION ABOUT THE STATUS OF YOUR CASE

Most documents filed with the Court are filed electronically. The Clerk’s office is responsible for uploading documents filed by *pro se* parties into the Case Management/Electronic Case Files (“CM/ECF”) system. The Clerk’s office maintains a record, or docket, for every case. If you wish to have a paper copy of your docket, the staff of the Clerk’s office will provide one to you at a cost of 50 cents per page. The fee for printing copies of any record or document accessed electronically is 10 cents a page. The Clerk’s office staff can also provide basic docket information to you over the telephone.

The CM/ECF system allows public access to the Court’s docket. You may review the docket on a public access terminal at the Clerk’s office in St. Thomas or St. Croix. The deputy clerks may limit the time that you are allowed to use the public access terminal.

You may also obtain case information through the federal judiciary’s Public Access to Court Electronic Records (“PACER”). PACER is available to anyone who registers for an account at <http://www.pacer.gov/>. Once you gain access, you will be billed at a rate of 10 cents per page.

COST OF FILING A LAWSUIT

The filing fee for initiating a lawsuit in any U.S. District Court is \$400.00. There are no motion fees. Payment may be made in cash, by personal check or money order made payable to Clerk, District Court. If you are filing a document online using the CM/ECF system, you may pay by credit card—MasterCard or Visa.

UNABLE TO AFFORD FILING FEE

If you cannot afford to pay the filing fee, you may file a Motion to Proceed *In Forma Pauperis* (“IFP motion”) (Form VI-AO 240). You may obtain a copy of this form from the Clerk’s office.

- The IFP motion asks questions about your income and assets. You must follow the instructions completely, answer truthfully and sign the application. After reviewing your IFP motion, the Court may deny your request. If this happens, you have 14 calendar days to pay the filing fee.
- If the Court allows you to proceed IFP, the Court will review your complaint to determine if it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks relief against a defendant who is immune from such relief. This process is called a “frivolity review.” The Court may allow your case to proceed or dismiss some or all of your claims.

FILING DOCUMENTS ELECTRONICALLY

Pursuant to Local Rule 5.4(b)(2), *pro se* applicants may be granted access to CM/ECF. Contact the Clerk’s Office for necessary procedures.

HIRING AN ATTORNEY

If you do not wish to proceed *pro se*, and you do not know an attorney, you may contact the Virgin Islands Bar Association at:

Virgin Islands Bar Association
2155 King Cross St., Suite 2
P.O. Box 224108
Christiansted, VI 00822
(340) 778-7497 / (340) 773-5060 *fax*
www.vibar.org
executivedirector@vibar.org

FORMAT REQUIREMENTS OF DOCUMENTS PRESENTED FOR FILING

The Local Rules of Civil Procedure, including LRCi 5.1, provide the format requirements for all documents filed with the Court. Each document filed with the Court must:

- be double-spaced, except for quoted material;
- be numbered consecutively
- be on standard sized (8 ½ x 11) paper
- be typewritten or printed
- contain the caption of the case and the case number on any document filed after your complaint

In the District Court of the Virgin Islands	
Division of _____	
YOUR NAME,)
)
Plaintiff)
)
vs.) Civil No. _____
)
DEFENDANT(S) NAME(S),)
)
Defendant(s))
)
TITLE	
(e.g., Complaint, Motion for Extension of Time)	

- include a complete certificate of service on any document filed after your complaint

CERTIFICATE OF SERVICE	
I certify that I served a copy of NAME OF DOCUMENT (e.g. motion for an extension of time) on DATE by METHOD OF SERVICE (e.g. U.S. Mail or certified mail, return receipt requested or electronically filed via the Court's authorized electronic filing service) on the following: DEFENDANT'S NAME AND ADDRESS (if <i>pro se</i>) or NAME AND ADDRESS OF DEFENDANT'S ATTORNEY .	
	<u>Your signature</u>
	Typed or printed name
	Complete address
	Telephone number
	Email address

WHERE TO FILE YOUR LAWSUIT: TERRITORIAL OR FEDERAL COURT?

COURTS IN THE UNITED STATES VIRGIN ISLANDS

The Virgin Islands has both territorial (Superior Court of the Virgin Islands) and federal courts (District Court of the Virgin Islands). Although the territorial court must enforce the federal constitution and laws, most of the cases it decides involve the laws of the territory, such as family disputes, probate matters and landlord-tenant matters.

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.

Whether a case (lawsuit) may be decided by the territorial court or the federal court depends on what is called “jurisdiction.” The territorial court has general/broad jurisdiction as set forth in the V.I. CODE ANN. tit. 4, § 76, while federal courts have limited/specific jurisdiction granted by the United States Congress, 48 U.S.C. § 1612(a).

The three primary forms of jurisdiction in federal court are:

- Federal question jurisdiction – Cases involving the interpretation and application of the U.S. Constitution, acts of Congress, and treaties.²
- Diversity jurisdiction – Cases where the plaintiff and defendant are citizens of different states/territories and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.³
- Admiralty jurisdiction – Cases that involve incidents or transactions of a maritime nature.⁴

TYPES OF CIVIL CASES FILED IN FEDERAL COURT

This Court has jurisdiction over disputes that fall into one of the following five categories:

- those that deal with a question involving the United States Constitution;
- those that involve questions of federal law;

² See 28 U.S.C. § 1331.

³ See 28 U.S.C. § 1332.

⁴ See 28 U.S.C. § 1333.

- those that involve the United States of America as a party, whether plaintiff or defendant;
- those that involve a dispute among residents of different states/territories with an amount in controversy over \$75,000.00; and
- those that involve maritime issues.

FILING A CIVIL CASE

REQUIRED FORMS

The document you file to initiate your case is called a **complaint**. The complaint must include a plain statement detailing your reasons for initiating the lawsuit. To this end, the Court has made available the following form complaints, which are available from the Clerk's Office and at www.vid.uscourts.gov:

(1) Complaint

- General Purpose complaint (Form VI-Gen)
- Civil Rights complaint – 42 U.S.C. § 1983 (Form VI-NP-CR)
- Employment Discrimination complaint – 42 U.S.C. § 2000e, 29 U.S.C. § 621, 42 U.S.C. § 12101, 42 U.S.C. § 1981 (Form VI-ED)
- You must provide one copy of the complaint for each defendant

Use of these forms is highly encouraged to avoid delay in the processing of your matter.

Warning: The Judicial Conference Policy on Privacy and Public Access to Electronic Case Files prohibits the inclusion of the following “personal identifiers” in public filings: Social Security and financial account numbers, dates of birth (provide the year only) and names of minor children (provide initials only).⁵

(2) Civil Cover Sheet (Form JS 44)⁶ – An information form used by the Court when opening your case.

- You must provide an original copy

(3) Summons (Form AO 440)⁷ – A form that notifies a defendant of your lawsuit.

- You must submit an original and *two copies for each defendant*

⁵ See <http://www.uscourts.gov/rules-policies/judiciary-policies/privacy-policy-electronic-case-files>

⁶ See <http://www.uscourts.gov/forms/civil-forms/civil-cover-sheet-cmecf-version-511-and-later>

⁷ See <http://www.uscourts.gov/forms/notice-lawsuit-summons-subpoena/summons-civil-action>

- Page one directs you to provide the following:
 - the name of the court and division;
 - your name and the defendant's name in the caption;
 - the defendant's name and address; and
 - your name and address.
- DO NOT fill in any other part of the summons.

Once your Summons is complete, you must present it to the Clerk of Court for signature and seal. The Clerk's Office will complete the form by adding the case number, date, signature, and seal.

FILING FEE OR IFP MOTION

You must submit the \$400 filing fee or an IFP Motion (**Form VI-AO 240**).

ELECTRONIC CASE FILING

Pro se litigants meeting the necessary technical requirements may request permission to participate in electronic case filing ("e-filing"). Local Rule of Civil Procedure 5.4(b)(2) authorizes the Court to grant an e-filing request at the Court's discretion. If you would like to request permission to participate in e-filing, you must file a Motion for Permission to Use Electronic Case Filing and an ECF Registration Form, in addition to the above documents.

MOTION FOR APPOINTMENT OF COUNSEL

Pro se litigants may ask the Court to appoint an attorney for them in a civil case. Appointment is discretionary and counsel is only appointed in a few select cases where representation by an attorney seems particularly appropriate or necessary. *Pro se* litigants have no guaranteed right to be represented by court-appointed counsel, and the Court has no funds to pay appointed counsel.

If you would like to request that the Court appoint counsel to represent you in your lawsuit, you must file a Motion for Appointment of Counsel in addition to the above documents.

SERVING THE DEFENDANT

Each defendant must be notified about the lawsuit – that is, served with process. Your lawsuit will not go forward against a defendant who has not been served with a summons and complaint. Rule 4 of the Federal Rules of Civil Procedure explains the steps and the time limit for securing proper service.

IF YOU PAID THE FILING FEE

The clerk will sign (issue) an original summons and one copy for each defendant. The clerk retains the original summons for the Court's file and returns a signed copy to you. It is your responsibility to serve each defendant properly. Improper service may result in the dismissal of your case. You may not serve the summons and complaint yourself. Rather, the summons and complaint may be served on each defendant as follows:

- (1) personal service by any person over the age of 18 who is not a party to the case;
- (2) service by a United States Marshal or appointed person **if** the Court grants your request.

You can also ask each defendant to waive service by sending a copy of the complaint, a Notice of Lawsuit and Request for Waiver of Service (Form AO 398), a Waiver of Summons (Form AO 399) and a self-addressed prepaid return envelope via first class mail or other reliable means.⁸ For the plaintiff, the benefit of waiving service is not having to pay the cost of serving the summons. A defendant who waives service is allowed extra time – 60 days – to respond to the complaint. The United States (and its agencies, corporations, or officers) and some other parties (state, local and foreign governments) cannot waive service.

Service of the complaint and summons on the defendant must be made within 120 days from the date the complaint was filed or the case will be subject to dismissal.⁹ You must file with the Court a “return of service” stating when and how service was made.¹⁰

If you are suing the United States government, a federal agency or a local office of a federal agency, your summons(es) must include the correct address(es). You can obtain assistance from the Federal Citizens Information Center at (800) 688-9889. Assistance is also available online at <http://www.usa.gov/>.

⁸ See Rule 4(d)(1) of the Federal Rules of Civil Procedure.

⁹ See Rule 4(m) of the Federal Rules of Civil Procedure.

¹⁰ See Rule 4(l) of the Federal Rules of Civil Procedure.

If you are suing the local government, or an agency or division of the local government, special service rules apply, and you must make sure you are familiar with them.

IF THE COURT GRANTS YOUR IFP MOTION AND ALLOWS LAWSUIT TO PROCEED

The Clerk's office will file the complaint and forward the summons and complaint to the United States Marshals Service to serve each defendant.

PROGRESS OF LAWSUIT AFTER SERVICE ON DEFENDANT

ACTIONS BY DEFENDANT

Once a defendant has been served, the defendant may (1) file an answer, (2) file a motion; or (3) do nothing. If there is more than one defendant, a combination of these actions may occur.

If the defendant files an answer, the Court will issue a trial management order (“TMO”). This order is entered only after the Court conducts a scheduling conference with the parties, or at least seeks your input in writing. A TMO sets deadlines for completing or filing certain documents in a particular case. It may include deadlines for completing discovery, filing motions, or making disclosures to the opposing party. Most TMOs also set trial dates. The parties are responsible for adhering to all the requirements of the TMO.

If the defendant files a motion, the motion may 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 nonparty witnesses. Discovery is allowable in most civil cases. The process of discovery is governed by Rules 26 through 37 of the Federal Rules of Civil Procedure, as well as the orders of the Court. The TMO will contain a deadline for the completion of discovery.

Discovery is most often obtained by one of the following methods:

- Interrogatories – written questions to be answered in writing and under oath;
- Requests for production of documents; and
- 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;

- do not send copies of discovery requests and responses to the Court, unless you are directed to do so by the Court; and
- keep copies of all discovery records.

MOTION PRACTICE

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.

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 or deliver 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 and how you served 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.

FILING AN APPEAL

Most orders issued while a case is still ongoing cannot be appealed immediately, and you will have to wait until a final judgment has been entered in your case before the order(s) can be considered by the United States Court of Appeals for the Third Circuit (“Third Circuit”).

The Federal Rules of Appellate Procedure explain when an order is appealable, and you must familiarize yourself with these rules before filing a notice of appeal. Filing a notice of appeal prematurely will delay final resolution of your case and may add unnecessary expense to your case.

The filing fee for an appeal is \$505.00. If you cannot afford to pay the filing fee, you may file a motion for leave to proceed *in forma pauperis* on appeal.

Once the Third Circuit determines it has jurisdiction, it will direct the District Court Clerk’s Office to transmit the record from the District Court. If you are permitted to proceed *in forma pauperis* on appeal, you may still be required to pay for certain costs, such as the cost for transcribing any hearings or other proceedings that may have occurred before the District Court.

APPENDIX - FORMS

GENERAL PURPOSE COMPLAINT

CIVIL RIGHTS COMPLAINT

EMPLOYMENT DISCRIMINATION COMPLAINT

CIVIL COVER SHEET

SUMMONS

IFP MOTION

**MOTION FOR PERMISSION TO USE ELECTRONIC
CASE FILING**

ECF REGISTRATION FORM

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS/ST. JOHN ST. CROIX

_____)
(Print your full name))
)
Plaintiff *pro se*,)
)
v.)
)
_____)
_____)
Defendant(s))

COMPLAINT

Civil Action No. _____
(To be provided by the Clerk of Court)

Provide full name(s) of defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part II below.

I. Basis for Jurisdiction:

Federal Question (suit is based upon a treaty, federal statute or the United States Constitution)¹

What federal Constitutional, statutory or treaty right is at issue?

Diversity (none of the defendants are residents of the state where plaintiff is a resident and the amount in controversy exceeds \$75,000.00).²

Plaintiff's state of citizenship: _____

Defendant(s) state(s) of citizenship: _____

Other (describe) _____

¹ See 28 U.S.C. § 1331

² See 28 U.S.C. § 1332

II. Parties in this complaint:

- A. List your name, address and telephone number. You **must** keep the Clerk of Court apprised of your current contact information.

Name: _____
Street Address: _____
City/State/Zip Code: _____
Telephone No.: _____ Email Address: _____

- B. Provide the name and address of each defendant listed in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant No. 1

Name: _____
Street Address: _____
City/State/Zip Code: _____
Telephone No.: _____

Defendant No. 2

Name: _____
Street Address: _____
City/State/Zip Code: _____
Telephone No.: _____

If there are more than two defendants, attach a separate sheet. For each defendant, specify: (1) name; (2) street address; and (3) city/state/zip code.

III. Statement of Claim

Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. **Do not give any legal arguments or cite any cases or statutes.**

- A. Where did the events giving rise to your claim(s) occur? _____

- B. What date did the events giving rise to your claim(s) occur? _____

C. Provide the essential facts of your case "**IN NUMBERED PARAGRAPHS, EACH LIMITED AS FAR AS PRACTICABLE TO A SINGLE SET OF CIRCUMSTANCES.**"³ *Attach additional sheets of paper as necessary, numbering each allegation.*

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

³ FED. R. CIV. P. 10.

IV. Damages

Describe how you were damaged by any action or conduct of the defendant(s). If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

V. Relief Requested (*check only those that apply*). If you named two or more defendants and are seeking different relief against each defendant, indicate accordingly.

Monetary damages in the amount of: _____
against:

___ All defendants ___ Def. No. 1 ___ Def. No. 2

An injunction ordering: _____
against:

___ All defendants ___ Def. No. 1 ___ Def. No. 2

Other (*specify*): _____
against:

___ All defendants ___ Def. No. 1 ___ Def. No. 2

Costs and fees incurred in litigating this matter.

Trial by jury on all issues so triable.

Such other relief as may be appropriate.

VI. Verification and Declaration under Penalty of Perjury

Initial each of the following:

_____ I have included **one** properly completed Form JS 44 Civil Cover Sheet (available from the clerk's office).

_____ I have included **one** properly completed Form VI-AO 44 Summons in a Civil Action (available from the clerk's office) **for each defendant** I am suing, including the defendant's full name, job title and work address.

_____ In addition to this complaint with an original signature, I have included **one copy** of this complaint for **each defendant**.

_____ I have included:

Full payment of the filing fee (\$400.00) via cash (delivered in person) or check or money order payable to Clerk, District Court of the Virgin Islands; or

A properly completed Motion to Proceed *In Forma Pauperis* in a Non-Prisoner Civil Action (Form VI-AO 240-NP)

_____ **I have included the following (available from the clerk's office):

Motion for Permission for Electronic Case Filing ("e-filing or ECF")

_____ I understand the Court may deny my ECF motion pursuant to Local Rule of Civil Procedure 5.4(b)(2).

_____ I understand if the Court grants my ECF motion, it may subsequently terminate my e-filing access.

Pro Se ECF Registration Form

** *INITIAL and complete ECF motion/registration form only if you have access to a computer and an email account.*

_____ I agree to promptly notify the clerk of any change of address.

_____ I have read all of the statements in this complaint. [*Do not forget to keep a copy for your records.*]

I DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS TRUE AND CORRECT. 28 U.S.C. §1746; 18 U.S.C. §1621

This ___ day of _____, 20__.

Signature of plaintiff

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS/ST. JOHN ST. CROIX

_____)
(Print your full name))
)
Plaintiff *pro se*,)
)
)
v.)
)
_____)
)
_____)
)
Defendant(s))

COMPLAINT

Civil Action No. _____
(To be provided by the Clerk of Court)

Provide full name(s) of defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part II below.

I. Jurisdiction is asserted pursuant to (CHECK ONE):

- 42 U.S.C. §1983 (for claims against state actors)
- Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (for claims against federal actors)

II. Parties in this complaint:

A. List your name, address and telephone number. You **must** keep the Clerk of Court apprised of your current contact information.

Name: _____
Street Address: _____
City/State/Zip Code: _____
Telephone No.: _____ Email Address: _____

B. Provide the name and address of each defendant listed in the caption. Attach additional sheets of paper as necessary.

Defendant No. 1
Name: _____
Position/Title: _____
Place of Employment: _____
Type of Suit (check all that apply): individual capacity official capacity
Address: _____

Defendant No. 2

Name: _____

Position/Title: _____

Place of Employment: _____

Type of Suit (check all that apply): individual capacity official capacity

Address: _____

If there are more than two defendants, attach a separate sheet. For each defendant, specify: (1) name; (2) position/title; (3) place of employment; (4) type of suit; and (5) address.

III. Statement of Claim(s)

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action. Include also the names of other persons involved in the events giving rise to your claims. If you assert multiple claims, number and set forth each claim in a separate paragraph. **Do not give any legal arguments or cite any cases or statutes.**

A. Where did the events giving rise to your claim(s) occur? _____

B. What date did the events giving rise to your claim(s) occur? _____

C. Identify the constitutional rights you believe have been violated. *If there are more than four counts, attach a separate sheet.*

i. Count I: _____

ii. Count II: _____

iii. Count III: _____

iv. Count IV: _____

D. Provide the essential facts of your case "**IN NUMBERED PARAGRAPHS, EACH LIMITED AS FAR AS PRACTICABLE TO A SINGLE SET OF CIRCUMSTANCES.**"¹ *Attach additional sheets of paper as necessary, numbering each allegation.*

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

¹ FED. R. CIV. P. 10.

IV. Damages

Describe how you were damaged by any action or conduct of the defendant(s). If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

V. Relief Requested (*check only those that apply*). If you named two or more defendants and are seeking different relief against each defendant, indicate accordingly.

Monetary damages in the amount of: _____
against:

___ All defendants ___ Def. No. 1 ___ Def. No. 2

An injunction ordering: _____
against:

___ All defendants ___ Def. No. 1 ___ Def. No. 2

Other (*specify*): _____
against:

___ All defendants ___ Def. No. 1 ___ Def. No. 2

Costs and fees incurred in litigating this matter.

Trial by jury on all issues so triable.

Such other relief as may be appropriate.

VI. Previous Lawsuits

A. Have you filed other lawsuits in federal court dealing with the same facts involved in this action?
 Yes No

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 6 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same outline.)

1. Court: _____

2. Case/Docket/Index Number: _____

3. Date lawsuit filed: _____ Date closed _____

VII. Verification and Declaration under Penalty of Perjury

Initial each of the following:

_____ I have included **one** properly completed Form JS 44 Civil Cover Sheet (available from the clerk's office).

_____ I have included **one** properly completed Form VI-AO 44 Summons in a Civil Action (available from the clerk's office) **for each defendant** I am suing, including the defendant's full name, job title and work address.

_____ In addition to this complaint with an original signature, I have included **one copy** of this complaint for **each defendant**.

_____ I have included:

Full payment of the filing fee (\$400.00) via cash (delivered in person) or check or money order payable to Clerk, District Court of the Virgin Islands; **or**

A properly completed Motion to Proceed *In Forma Pauperis* in a Non-Prisoner Civil Action (Form VI-AO 240-NP)

_____ ****I have included the following (available from the clerk's office):**

Motion for Permission for Electronic Case Filing ("e-filing or ECF")

_____ I understand the Court may deny my ECF motion pursuant to Local Rule of Civil Procedure 5.4(b)(2).

_____ I understand if the Court grants my ECF motion, it may subsequently terminate my e-filing access.

Pro Se ECF Registration Form

**** INITIAL and complete ECF motion/registration form only if you have access to a computer and an email account.**

_____ I agree to promptly notify the clerk of any change of address.

_____ I have read all of the statements in this complaint. [*Do not forget to keep a copy for your records.*]

I DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS TRUE AND CORRECT. 28 U.S.C. §1746; 18 U.S.C. §1621

This ___ day of _____, 20__.

Signature of plaintiff

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS/ST. JOHN ST. CROIX

_____)
(Print your full name))
)
Plaintiff *pro se*,)
)
)
v.)
)
_____)
)
_____)
)
Defendant(s))

COMPLAINT

Civil Action No. _____
(To be provided by the Clerk of Court)

Provide full name(s) of defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part II below.

I. Jurisdiction is asserted under 28 U.S.C. §§ 1331, 1343 and the below-listed statute(s) (check only those that apply):

- Title VII of the Civil Rights of 1964 ("Title VII"), 42 U.S.C. § 2000e *et seq.* for employment discrimination on the basis of race, color, religion, sex, or national origin, or retaliation for exercising rights under this statute.
NOTE: *In order to bring a Title VII action, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission ("EEOC").¹*
- Age Discrimination in Employment Act of 1967 ("ADEA"), 29 U.S.C. § 621 *et seq.* for employment discrimination against persons age 40 or over, or retaliation for exercising rights under this statute.
NOTE: *In order to bring an ADEA action, you must first file a charge with the EEOC and you must have been at least 40 years old at the time you believe that you were discriminated against.²*
- Americans with Disability Act of 1990 ("ADA"), 42 U.S.C. § 12101 *et seq.* for employment discrimination on the basis of disability, or retaliation for exercising rights under this statute.
NOTE: *In order to bring an ADA action, you must first obtain a Notice of Right to Sue Letter from the EEOC.³*
- Civil Rights Act of 1970, 42 U.S.C. § 1981 *et seq.* for employment discrimination on the basis of race.
NOTE: *There is no obligation to file documentation with the EEOC before seeking relief under § 1981.*
- Other (describe) _____

¹ 42 U.S.C. § 2000e-5(f)(1).
² The ADEA does not require that the EEOC issue a Notice of Right to Sue Letter before an individual commences a federal suit. *See* 29 U.S.C. § 626(d)(2).
³ 42 U.S.C. § 12117(a).

II. Parties in this complaint:

- A. List your name, address and telephone number. You **must** keep the Clerk of Court apprised of your current contact information.

Name: _____
Street Address: _____
City/State/Zip Code: _____
Telephone No.: _____ Email Address: _____

- B. Provide the name and address of each defendant listed in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant No. 1

Name: _____
Street Address: _____
City/State/Zip Code: _____
Telephone No.: _____
Position/Title: _____

Defendant No. 2

Name: _____
Street Address: _____
City/State/Zip Code: _____
Telephone No.: _____
Position/Title: _____

If there are more than two defendants, attach a separate sheet. For each defendant, specify: (1) name; (2) street address; (3) city/state/zip code; and (4) position/title.

III. Nature of the Case

- A. Plaintiff

_____ is presently employed by the defendant. Hiring date: _____
_____ is no longer employed by the defendant. Dates of employment: _____
_____ was not hired by the defendant.

- B. The approximate number of people employed by defendant is: _____

- C. The alleged discriminatory acts occurred on or about (state date or time period):

D. The alleged discriminatory acts took place at:

E. The discriminatory acts that are the basis of this suit are (*check all that apply to your case*):

- Failure to hire me
- Failure to promote me
- Demotion
- Reduction in my wages
- Sexual harassment
- Hostile Work Environment
- Unequal terms and conditions of my employment compared to similarly-situated employees
- Retaliation
- Termination of my employment
- Failure to reasonably accommodate my disability
- Other (specify): _____

NOTE: For those actions for which an EEOC filing is a prerequisite, only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

F. I believe I was discriminated against because of my (check all that apply):

- race, which is _____
- color, which is _____
- religion, which is _____
- sex (gender), which is Male Female
- national origin, which is _____
- opposition to a practice of my employer that I believe violated the federal anti-discrimination laws or my participation in an EEOC investigation
- age. My date of birth is _____ (month, day, year)
- disability, which is _____
- Other (specify): _____

G. The **name(s), race, sex, and the position or title of the individual(s)** who allegedly discriminated against me during my period of employment is (are):

H. Provide the essential facts of your case "**IN NUMBERED PARAGRAPHS, EACH LIMITED AS FAR AS PRACTICABLE TO A SINGLE SET OF CIRCUMSTANCES.**"⁴ Describe specifically the conduct that you believe was discriminatory or retaliatory and how each defendant was involved. *Attach additional sheets of paper as necessary, numbering each allegation. **Do not give any legal arguments or cite any cases or statutes.***

1.

2.

3.

4.

5.

6.

7.

⁴ FED. R. CIV. P. 10.

IV. Exhaustion of Administrative Remedies/Grievance Procedures

A. I filed a charge with the EEOC regarding the alleged discriminatory conduct on:

_____ (Month/Day/Year)

B. The EEOC (*check one*):

_____ has not issued a Notice of Right to Sue Letter.

_____ issued a Notice of Right to Sue Letter, which I received on _____ (Month/Day/Year).

NOTE: Attach a copy of the Notice of Right to Sue Letter to the complaint.

C. *If alleging age discrimination*: Since filing my charge of age discrimination with the EEOC regarding the alleged discriminatory conduct (*check one*):⁵

_____ 60 days or more have passed.

_____ fewer than 60 days have passed.

V. Relief Requested (*check only those that apply*):

Injunctive relief (check applicable options)

_____ Direct the defendant to hire me.

_____ Direct the defendant to re-employ me.

_____ Direct the defendant to promote me.

_____ Direct the defendant to reasonably accommodate my disabilities.

_____ Direct the defendant to reasonably accommodate my religion.

_____ Other (*specify*): _____

Monetary damages in the amount of: _____

Costs and fees incurred in litigating this matter.

Trial by jury on all issues so triable.

Such other relief as may be appropriate.

⁵ See 29 U.S.C. § 626(d).

VI. Verification and Declaration under Penalty of Perjury

Initial each of the following:

_____ I have included **one** properly completed Form JS 44 Civil Cover Sheet (available from the clerk's office).

_____ I have included **one** properly completed Form VI-AO 44 Summons in a Civil Action (available from the clerk's office) **for each defendant** I am suing, including the defendant's full name, job title and work address.

_____ In addition to this complaint with an original signature, I have included **one copy** of this complaint for **each defendant**.

_____ I have included:

Full payment of the filing fee (\$400.00) via cash (delivered in person) or check or money order payable to Clerk, District Court of the Virgin Islands; **or**

A properly completed Motion to Proceed *In Forma Pauperis* in a Non-Prisoner Civil Action (Form VI-AO 240-NP)

_____ ****I have included the following (available from the clerk's office):**

Motion for Permission for Electronic Case Filing ("e-filing or ECF")

_____ I understand the Court may deny my ECF motion pursuant to Local Rule of Civil Procedure 5.4(b)(2).

_____ I understand if the Court grants my ECF motion, it may subsequently terminate my e-filing access.

Pro Se ECF Registration Form

**** INITIAL and complete ECF motion/registration form only if you have access to a computer and an email account.**

_____ I agree to promptly notify the clerk of any change of address.

_____ I have read all of the statements in this complaint. [*Do not forget to keep a copy for your records.*]

I DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS TRUE AND CORRECT. 28 U.S.C. §1746; 18 U.S.C. §1621

This ___ day of _____, 20__.

Signature of plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS/ST. JOHN ST. CROIX

_____)	
)	
)	
)	
<i>Plaintiff(s)</i>)	
v.)	Civil Action No. _____
)	
)	
)	
)	
_____)	
<i>Defendant(s)</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are: *(Plaintiff's name and address or the name and address of plaintiff's attorney)*

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____
_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

MOTION TO PROCEED *IN FORMA PAUPERIS*
IN A NON-PRISONER CIVIL ACTION

District Court of the Virgin Islands

_____ <i>Plaintiff/Petitioner</i>)	
)	
v.)	
)	Civil No. _____
)	<i>(To be supplied by the Clerk of Court)</i>
_____ <i>Defendant/Respondent</i>)	

The Clerk will not file a civil complaint **unless** the person seeking relief pays the entire filing fee (\$400) in advance **or** the person moves for and is granted *in forma pauperis* status pursuant to 28 U.S.C. § 1915.

=====

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this motion, I answer the following questions under penalty of perjury:

1. I am employed. Yes No

If YES: Employer's name: _____

Employer's address: _____

My gross pay or wages: \$ _____ . _____ weekly biweekly monthly

My net pay or wages: \$ _____ . _____ weekly biweekly monthly

2. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | | |
|-----|--|------------------------------|-----------------------------|
| (a) | Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) | Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) | Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) | Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) | Gifts, or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (f) | Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered **YES** to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

3. Amount of money that I have in cash or in a checking or savings account: \$ _____

4. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (*describe the property and its approximate value*):

5. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses: (*describe and provide the amount of the monthly expenses*)

6. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

7. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*):

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: _____

Movant's signature

Printed name