



United States District Court
Southern District of New York

Frequently Asked Questions: THE COMPLAINT

These questions are intended to address common questions that arise when filing a complaint. The statements in this guide do not constitute legal advice and may not be cited as legal authority. This document does not take the place of the Federal Rules of Civil Procedure, this court's Local Civil Rules, or the individual rules of practice and orders of the judges of this court. Parties consulting this document remain responsible for complying with all applicable rules of procedure.

What information should I include in the complaint?

The court recommends that you use a court-issued form and answer all questions in the form. If you answer all questions in a court-issued form, the court will likely not require you to amend your complaint. Generally, the most important information in a complaint includes: (1) Who was involved in the underlying events, (2) What did those individuals or entities specifically do, (3) Where did the events occur, (4) When did the events occur, (5) Why (to the extent you know) did the events occur, and (6) How did the events occur. You do not need to attach all your evidence to your complaint, unless the court-issued form states that you should attach a Notice issued by a federal agency showing that you exhausted administrative remedies.

What documents do I need to sign?

You need to sign every document submitted to court, including your complaint and IFP application.

What identifying information should I include for the defendants?

In the caption of the complaint, you must name all individuals or entities that you intend to sue. In the "parties" section of your complaint, you must provide an address for each defendant so each defendant may be served. If you do not know

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the full address of a defendant, you should include as much information regarding the defendant's whereabouts. In the fact section of your complaint, you must state with facts describing each defendants' involvement in the underlying events.

What if I don't know the names of the defendants?

If you do not know the name of a defendant, you may identify the person as a John or Jane Doe Defendant and provide a description of the individual, such as, Jane Doe #1, Nurse on the 12-5 shift at Manhattan Hospital. You also may provide a physical description of the individual. If you are suing more than one Doe Defendant, then each Doe Defendant must be specifically described and, in the fact section, you must describe what each Doe Defendant did. You also must provide an address for each Doe Defendant so that the individual may be identified and served.

How long do I have to file my complaint (statute of limitations)?

A statute of limitation is the time by which a complaint must be filed. Every federal claim has a statute of limitations, but they are not all the same. Many federal laws specifically state the statute of limitations period. Generally, if the federal law at issue does not include its own statute of limitations, you must look to the statute of limitations period listed in state law for the most similar type of claim.

Determining which limitations period applies in your case is a legal question. The Pro Se Intake Unit cannot tell you how long you may have to file a lawsuit. If you have a question about the statute of limitations in your case, you should contact the [City Bar Justice Center](#), a clinic at the courthouse that provides legal advice to people without lawyers.

Is the Southern District of New York the right federal court for my case (venue)?

There are four districts in the State of New York: Northern, Southern, Eastern, and Western. The Southern District of New York covers the counties of New York (Manhattan), Bronx, Westchester, Dutchess, Orange, Putnam, Rockland, and



Sullivan. The Eastern District of New York covers the counties of Kings (Brooklyn), Nassau, Queens, Richmond (Staten Island), and Suffolk. Federal law requires that certain actions be filed in certain districts. Some federal laws contain their own venue provisions, but other federal laws do not; such claims may be governed by the general venue statute, 28 U.S.C. § 1391(b). If you have any questions about venue, and where you should file your complaint, please reach out to the [City Bar Justice Center](#).

What kind of cases belong in federal court (subject matter jurisdiction)?

Federal court is a court of limited jurisdiction. Whereas all sorts of cases may be filed in state court, only two types of cases may be filed in federal court: (1) claims that involve a federal law or federal constitutional right (federal question cases); and (2) cases involving citizens of different states where the amount in controversy exceeds \$75,000 (diversity cases).

Can court staff tell me if my case belongs in federal court?

No. Whether a case does or does not belong in federal court is a legal question that must be decided by a judge. All judges must decide whether they have the authority, that is, “subject matter jurisdiction,” to decide the merits of a claim asserted in a complaint. Only the judges of the court can determine whether this court has subject matter jurisdiction.

The staff of the Pro Se Intake Unit are court employees, not lawyers, and are prohibited by law from giving legal advice. If you have a question about the court’s subject matter jurisdiction, and whether your case belongs in federal court, please contact the [City Bar Justice Center](#).