

**(and take it all the way to the Supreme Court for \$1500 or less)**

If your Constitutional rights have been violated, or you have claims against judges, lawyers, or government entities, you can file a lawsuit in federal court. It is usually a three-step process done by mail over a 2-year period: (1) filing in Kansas District Court; (2) appealing to the Tenth Circuit court in Denver; and (3) filing with the United States Supreme Court to ask them to hear your case. As a *pro se* litigant, here are the steps we have learned (subject to *their* changes without notice!):

1. Determine who your defendants are and your claims against them (see examples of claims in the cases shown under “Supporting Documents” on our website at **[www.assocforhonestattys.com](http://www.assocforhonestattys.com)**.)
2. Make sure you are within the statute of limitations for filing your case (usually **two years** for fraud-related claims.) Send your defendant(s) a demand letter, certified with return receipt required, asking them to offer a settlement within 30 days or you intend to file suit (see Example on page 5). Keep the green card you get back from the post office. Always try and work out your matter through compromise and negotiations first, but if you are unable, then you can proceed with filing your suit.
3. Go down to the federal courthouse in Wichita (or Topeka or K.C.) and get a packet with detailed instructions for how to file your suit *pro se*. You can use their complaint form if you prefer.
4. You can also construct your complaint similar to any of the six cases we have filed under “Supporting Documents” on our website at **[www.assocforhonestattys.com](http://www.assocforhonestattys.com)**. In the case caption (i.e., *Heffington v. Bush*), make sure you use lower case letters. Remember that your “Bible” for following the rules in federal court cases is the Federal Rules of Civil Procedure found in your law library, or these can be found on-line at **[www.law.cornell.edu/rules](http://www.law.cornell.edu/rules)**. In your complaint, don’t forget to ask for a jury trial and to designate which court you want it heard in (Wichita, Topeka or K.C.).
5. If you decide to proceed with filing your complaint *pro se*, you can file it at the federal court in either Wichita, Topeka or Kansas City. You must include a civil cover sheet and issue summonses for all defendants according to the instructions in the packet (keep a copy for yourself but make sure it is stamped with a seal by the court). Don’t forget to attach a certificate of service to your complaint

(if a government agency, certificate of service must be notarized). Send copies by regular mail to each defendant certified with return receipt required (get all copies of your complaint and summonses stamped by the court, and send the Original + 1 copy of the complaint to every named defendant.) If serving an insurance company, you must also serve Kansas Ins. Dept. 420 SW 9<sup>th</sup> St., Topeka, KS 66612 and include \$25.00 filing fee payable to them.

6. There is a filing fee of \$350.00 that must be paid to the court at the time your complaint is filed. If you cannot pay the filing fee, complete the court forms to file *in forma pauperis* and send a copy to each defense attorney. Then wait for a ruling from the court which may allow you to proceed without payment of this fee. NOTE: To view your state or federal case on line, you must sign up for “Pacer Access” at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) and click on “register.” The charge is .08 cents a page to view anything on your case. Otherwise, if you want to make sure the court has received your documents, call **1-800-676-6856**. In addition, here are the following court phone #'s:

U.S. District Court for District of Kansas: **316-269-6491** (Topeka: **785-295-2610**; KC: **913-551-6719**)

U.S. Court of Appeals for the Tenth Circuit in Denver: **303-844-3157**

United States Supreme Court in Washington, D.C.: **202-479-3011**

7. After receiving the green card back in the mail for each defendant served, you must file this with the court (tape it to page 2 of your summons, make a copy for yourself and get both stamped by the court.) File one with the court and keep the other for your records.

8. Defendants have 20 days to respond to your suit (60 days if the U.S. government or an entity is a defendant). If they fail to answer, you can file a motion for default judgment, but you must have proof of service on file to do this (green card filed with court.)

10. Respond to all motions to dismiss within the required time of 20 days. (Rule 12) The best sources for researching cases and laws at the law library are Black’s Law Dictionary, Westlaw, and books on Causes of Action. Remember to only quote federal cases in a federal suit!

11. If your case is dismissed in the Kansas District Court (and they usually are), file a Notice of

Appeal (within 30 days of judgment) at the federal court and pay a filing fee of \$450.00. Send one copy to all parties. If you cannot pay the filing fee, complete the court forms to file *in forma pauperis* and send a copy to each defendant. Wait for a ruling from the court which can allow you to proceed without payment of this fee.

12. File an Entry of Appearance and a Transcript Order Form within 10 days after filing your Notice of Appeal. The original + 3 copies of EOA are mailed to the Tenth Circuit, send original TOF to District Court, 1 to Court Reporter, 1 copy to 10<sup>th</sup> Circuit, and copies to all defendants.

13. After you receive a letter from the Tenth Circuit acknowledging the case and giving it a case number, they will send you a packet of instructions. You have 10 days to file their Docketing Statement, and you must attach the following: District Court Docket Sheet, Order or Judgment; any post judgment motions and the Notice of Appeal. The original + 4 copies are mailed to the Tenth Circuit, send a copy to all defendants/defense attorneys.

14. After receiving a copy of the Designation of Record & ROA, file a motion to supplement the ROA if they fail to include all pertinent motions/orders/responses. All motions and your brief must be 14 pt. w/1" margins. File original + 3 copies with the court.

15. You must file an opening brief on Form A-12 within 40 days after filing your Notice of Appeal, or 40 days after you receive a letter from the Tenth Circuit(see Rule 28(a). Send Original + 7 copies to the court, 1 copy to defense attorneys.

16. Wait for a response from defendants. When you get it, you have 14 days to file a reply, three-day mail rule does not apply. It does not need to be in bound book format. Must be per Fed. R. App. P. 28, 31, 32, and 10<sup>th</sup> Cir. R. 35, 40, white or gray cover, etc. Must file the original + 7 with the court, one copy to each of the defense attorneys.

17. Wait for a ruling by the Tenth Circuit, and if it is dismissed, you can then file a Writ of Certiorari with the United States Supreme Court. You have 90 days to do this from the date of the circuit court ruling. Call the U.S. Supreme Court at the phone number in #4 above, and they will send

you a packet with instructions. Make sure it is the most current copy of the rules and follow them TO THE LETTER. There are two ways to file and you don't follow the instructions provided; they will reject it back and you will have to do it all over. If you are not filing *informa pauperis*, **make sure you type your writ in 12-pt. Century Schoolbook font.**) Your Writ of Certiorari booklets must be stapled and bound with black tape and 40 copies plus original Certificate of Compliance (notarized) must be sent to the U.S. Supreme Court. A separate certificate of Word Count (notarized) must be included.

18. A check for \$300 must be made out to the "Clerk of the U.S. Supreme Court." Your writs of certiorari should be air mailed with return receipt required in a padded envelope or box, addressed to: Supreme Court Clerk's Office, Supreme Court of the United States, 1 First Street, NE, Washington, D.C. 20543. Send three copies of your writ and cert to each defense attorney.

19. Wait for a letter from the court that states they are adding your writ to their docket for review. A number is given to your writ (i.e., 10-5). You must mail a copy of the waiver form (and Notice of Service to the court) to each of the defendants. Then wait for a disposition letter from the court.

20. United States Supreme Court judges meet in March and September to discuss which cases they will hear. Remember that just because your case is assigned a docket number and put on the docket doesn't mean the U.S. Supreme Court is going to hear it – this is just a formality. The court will send a letter to advise you whether your case will be heard. If it is, a person is assigned to assist you and a packet of information is sent. When publicity is given, then you know it will be heard.

**Disclaimer:** The above information is designed to provide accurate and authoritative information with regard to filing a federal lawsuit in the state of Kansas. The foregoing is provided with the understanding that the above information is entirely the opinion of provider Joan Heffington and/or the Association for Honest Attorneys (A.H.A!) based on extensive research and *pro se* cases previously filed. The information is presented with the understanding that the Association for Honest Attorneys (A.H.A!), Joan Heffington and/or its board members are not engaged in rendering legal advice or legal services, accounting, or other professional services, that fees are not accepted by the A.H.A! for providing the above information, and that a fee has not and will not be paid to Joan Heffington, the A.H.A! or its directors for this information. If legal advice or other expert assistance is required, the services of a competent professional should be sought. In pursuing a legal matter or otherwise utilizing the above information, the person receiving this information agrees to indemnify and hold harmless Joan Heffington, Cortland Berry, and/or the Association for Honest Attorneys (A.H.A!), for any expenses, indemnity, attorney fees or other costs. The A.H.A! makes no representations or warranties of any kind as to the accuracy of the information and content included herein. Court rules and documents for filing a *pro se* federal lawsuit are subject to change without notice, which may result in errors or changes in the above process.

**DEMAND LETTER**

(Example)

(Today's date)

(Attorney's Name)

(Additional Defendant)

(Attorney's Firm)

(Address)

(Address)

(City), (State) (Zip Code)

(City), (State) (Zip Code)

Re: CASE NO. \_\_\_\_\_ (or: PENDING LITIGATION)

Dear Mr. \_\_\_\_\_/Mr. \_\_\_\_\_:

This letter is to advise you that I have contacted the Association for Honest Attorneys with regard to the above matter. The A.H.A! is a non-profit organization which tries to discourage litigation and improve the legal system. As a last resort, they help show people how to file their own lawsuits.

Concerning the referenced matter which has continued on for over \_\_\_\_\_ years, it is my intention to file a federal suit. I believe that various causes of action, both civil and/or criminal, exist against the state, the attorneys, the judges and others. These include (examples: conspiracy/collusion, fraud by commission, fraud by omission, fraud on the court, false imprisonment, child trafficking, 42 USC 1983 Denial of Rights Under Color of Law, 5<sup>th</sup> Amendment right to due process of law, detrimental reliance, ineffective assistance of counsel, obstruction of justice, abuse of discretion, tort of outrage, intentional emotional distress), as well as breach of fiduciary duty and misrepresentation by various attorneys.

Prior to filing this suit in federal court, it is my desire to attempt a good faith resolution of this matter. If this is your desire as well, please contact me no later than (30 days out).

Sincerely,

*(Hand-write your signature)*

(Your name - typed)

(Address - typed)

(Phone number - typed)

cc: (other interested parties)