

A.H.A! GUIDE: “HOW TO FILE A FEDERAL SUIT”

(and take it all the way to the U. S. Supreme Court)

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

1. Determine who your defendants are and what your claims are against them (see examples of claims in Cases # 1, 2 & 3 under “Supporting Documents” on our website at www.assocforhonestattys.com.)

2. Make sure you are within the statute of limitations for filing your case and that you have at least some FEDERAL claims. Send your defendant(s) a contact letter, certified with return receipt required, as below:

CONTACT LETTER

(Example)

(Today’s date)

Secretary Patrick Shanahan
Department of Defense
The Pentagon
Washington, D.C. 20301

Attorney General William Barr
Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

(Additional Defendant)
(Street Address)
(City, State & Zip Code)

Re: NOTIFICATION OF PENDING LITIGATION

Dear Secretary Shanahan/Attorney General Barr/Mr./Ms. _____):

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! was a 501(c)3 non-profit organization for 16 years that tried to discourage litigation and improve the legal system. Currently, they operate as a “dba” and try to resolve disputes before they turn into lawsuits according to the Bible. As a last resort, they help show people how to file their own lawsuits.

Concerning the matter of illegal surveillance, targeting and torture of innocent Americans which is continued and ongoing, it is my intention to file a federal lawsuit, a copy of which is enclosed. I believe that various causes of action exist, both civil and/or criminal, which include but are not limited to: 42 USC 1983 Denial of Rights Under Color of Law, 18 USC 242, denial of due process of law under the 5th & 14th Amendments, conspiracy/collusion, fraud/misrepresentation, negligence, violations of FISA and the Patriot Act, War Crimes Act of 1949/crimes against humanity, obstruction of justice, tort of outrage and intentional emotional distress.

Prior to filing a 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 in writing no later than (enter a date 30 days from the date of this letter).

Sincerely,

(Your name handwritten)

(Your name, address & phone number typed)

cc: (Your Senator in Congress and President Donald Trump)

3. **We highly recommend that you send a copy of your lawsuit with your contact letter. This lets your defendants know you mean business!** After sending your contact letter & copy of your suit certified with return receipt required, keep the green cards you get back from the post office so you can later file them with the court.

Always try and work out your matter through compromise and negotiations first before you proceed with filing a suit. If your defendant(s) don't respond at all or make no effort to try and work things out, then take the next step.

4. Go down to your federal courthouse (in Kansas, this is in Wichita, Topeka or K.C.) and get a packet with detailed instructions on how to file your suit *pro se*. You can use their "fill-in-the-blank" complaint form if you prefer. **Remember that you must have federal claims to file a suit in federal court** (i.e., denial of due process under 5th & 14th Amendments, Denial of Rights Under Color of Law 42 USC 1983, etc.). If you add state claims (such as conspiracy/collusion, fraud, ineffective assistance of counsel, etc.), be aware they can kick your case back to the state to be resolved first which you don't want - this is where they like to beat you up in hearings!

5. You can also construct your complaint similar to any of the three cases we have filed under "Supporting Documents" on our website at **www.assocforhonestattys.com**. In the case caption (i.e., [Your Name] v. United States), 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 and **you also need to follow your local state rules**. Call the Secretary of State's office (in KS: 785-296-4564) to find out the RESIDENT AGENT for each company that you are suing – this is the name & address of the person that you will send your lawsuit to. In your complaint, don't forget to ask for a jury trial, designate which federal court you want to have your case heard in, and **ask for punitive damages.** (**Note: Do not use names of minors, birth dates or SSNs in your suit.** Also, remember that Congress passed a Lawsuit Abuse Reduction Act in 2016 which requires federal judges to make people pay fines who file 'frivolous' suits. So call us at 918.698.3289 and we'll tell you how to attach your best evidence so that you won't be fined.)

6. After you are done preparing your lawsuit (complaint), attach a certificate of service (if suing a government agency, certificate of service must be notarized and can be done the day you file). If suing an insurance company, you must also serve your state insurance department which may include a \$25.00 fee. Make sure you sign the original lawsuit and certificate of service in **blue ink - this one you file with the court**. Make copies of your lawsuit for each defendant and one for yourself. Fill out the civil cover sheet and prepare two copies of each summons for

all defendants according to the instructions in the packet. Address a manila envelope (9 X 12) to each defendant to bring with you when you file.

7. Time to head for the federal courthouse! Make sure you have the original and all copies of your lawsuit, two summonses prepared for each defendant, a completed civil cover sheet completed and manila envelopes for mailing your lawsuit. Don't forget to stop and get your certificate of service notarized on the way if you are suing a government agency. At the clerk's office, hand them everything but the manila envelopes and tell them you want to file your lawsuit. They will assign a case number and handwrite it on all copies, and then date stamp the lawsuits and summonses (one summons will have a raised seal). (NOTE: Our preferred method of serving defendants with a lawsuit is by certified mail/return receipt required. However, you can have it served by a process server or other methods if you want [read under Fed. Rule Civ. Proc. 4(b),(e) & (i)]).

8. There is a filing fee of approximately \$450.00 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 a motion to proceed without prepayment of fees and affidavit of financial status and file it with your lawsuit (don't send a copy to your defendants). Then wait for a ruling from the court which may allow you to proceed without payment of this fee. NOTE: You need to decide if you want to receive documents in your case by e-mail or regular mail, but you cannot do both. To receive them by e-mail, ask the court for a form to fill out to receive documents filed in your federal case. You must sign up for "Pacer Access" at **www.pacer.uscourts.gov** and click on "register." The court will send you the documents as they are filed and you have one chance to click on them and receive a free copy. After that, the charge is .08 cents a page and also to view any other documents in your case. If you want to make sure the court has received your documents, call **1-800-676-6856**. You can google on the district court phone #'s in Kansas or your state.

9. The clerk will give you back the copies of your lawsuit and both summonses, then you drive to the post office. Fill out the post office forms for mailing certified with return receipt required (one is a little green card) for each defendant you are serving. If you have numerous defendants, you will have writer's cramp after this! The filing of your lawsuit is now complete – woohoo! While waiting for the defendants to respond, you will receive the green card back in the mail for each of them. You must file these with the court, and you do this by taping the card to page 2 of your summons, filling out page 2 and making a copy for your own records. When you have them all completed, file the summons with the court (no time limit) but keep a copy for your records.

10. Defendants have **21 days** to respond to your suit (**60 days** if the U.S. government or a government 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 (the “green card” summons filed with court.).

11. You have **14 – 21 days** to respond to a motion to dismiss (Rule 12) which depends on your state’s local rules. If you need more time, you can ask the court by filing a Motion to Extend Time (i.e., 30 days). File a reply to their response within 7 - 14 days. (**NOTE: As you go along and they file other types of motions, you may only have 10 days to respond to these and 7 days to reply to their response, if you decide to [Rule 27]).** When you file your “Response to Motion to Dismiss” and any other documents from this point on, you need to change your certificate of service so that they go to the lawyers at their addresses, NOT the defendants (unless they have no lawyer). Also, remember that not only must you follow the Federal Rules of Civil Procedure but also the **local rules** for your state as you move your case through the system. The best sources for researching cases and laws at the law library are Black’s Law Dictionary, Westlaw, and books on Causes of Action. Of course, the internet is a great source also. You should quote federal cases in a federal suit. Keep a notebook with all documents in chronological order so you can find them when needed, and if necessary, a chart of all defendants and the date and name of the documents they file. You do not want to miss any deadlines, or this can cause your case to be dismissed. You should also call down to the federal courthouse every Friday and ask what the last document was that was filed in your case. If they dismissed it and didn’t send you a copy, your time runs from the date it was filed!

12. If your case is dismissed in your state district court (which happens quite often), you then file a Notice of Appeal with your circuit court **within 30 days of the judgment**. Go to the federal court, pay a fee of \$505.00 to appeal, and send one copy to all parties. If you cannot pay the filing fee, complete the court forms to file a motion to proceed without prepayment of fees and affidavit of financial status, but don’t send a copy to defendants. Wait for the court’s ruling to proceed without paying this fee. If you have questions, call your circuit court since each state may handle pro se filings slightly differently. Google on “appeal a suit pro se in circuit court for [your state].”
Phone # for U.S. Court of Appeals for the Tenth Circuit in Denver: 303-844-3157

EXCEPTION: If the district court dismisses your case for subject matter jurisdiction, you have six months from the date of the ruling to refile in state court to resolve state claims. If dismissed there, appeal to the circuit court.

13. Filing an Entry of Appearance is not necessary but if there were any hearings, you may need to file a

Transcript Order Form within **10 days** after filing your Notice of Appeal. After you receive a letter from the circuit court acknowledging the case and giving it a case number, they will send you a packet of instructions. Docketing statements are no longer required for *pro se* litigants in many states, but if you have to file one, you have **10 days** and must attach the following: District Court Docket Sheet, Order or Judgment; any post judgment motions and Notice of Appeal. The original + 4 copies are mailed to the circuit court, and send a copy to all defense attorneys.

15. If you receive a copy of the Designation of Record & Record on Appeal (ROA), you might need to 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.

16. **You must file an opening brief (Form A-12 for Tenth Circuit) within 40 days** after you receive a letter from your circuit court telling you to and certifying that the record is complete (see Rule 28(a). Send Original + 7 copies to the court certified with return receipt and one copy to each defense attorney.

17. Wait for a response from defendants. When you get it, you have **14 days** to file a reply if you wish, but the three-day mail rule does not apply. A reply does not need to be in bound book format. Review Fed. R. App. P. 28, 31, 32, and 10th Cir. R. 35, 40 to make sure you prepare it properly. File the original + 7 copies with the court, send one copy to each defense attorney.

18. Wait for a ruling by the circuit court 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 United States Supreme Court in Washington, D.C. at **202-479-3011** and ask them to send you a packet with *pro se* 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 if you don't follow the instructions provided, they will reject it back and you will have to do it all over again (see Supreme Court Rules 33.1, 33.2 & 34). You can also file *informa pauperis* (without prepayment of fees). **Make sure you type your writ in 12-pt. Century Schoolbook font.** Writ of Certiorari booklets must be stapled and bound at a print shop, so make at least 50 copies since 40 copies plus an original Certificate of Service (notarized) must be sent to the U.S. Supreme Court. Include a separate certificate of Word Count (notarized).

19. A check for \$300 must be made out to the “Clerk of the U.S. Supreme Court.” Mail this along with 40 copies of your writ of certiorari, your certificate of service and word count (both notarized), and send them return receipt required or by Fed Ex in a padded envelope or box. Address your box to: **Supreme Court Clerk’s Office,**

Supreme Court of the United States, 1 First Street, NE, Washington, D.C. 20543. Also, send three copies of your writ and certificate of service to each defense attorney in your case.

20. Wait for a letter from the court that states they are adding your writ to their docket for review. A docket number is assigned to your writ (i.e., 18-0000). 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 Supreme Court.

21. United States Supreme Court judges usually 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 that the United States Supreme Court is going to hear it. 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 that the United States Supreme Court is going to hear your case.

NOTE: If you are a targeted individual who is being tortured with electronic surveillance as the result of a National Security Letter, you can use "Case # 3" as your guide under "Supporting Documents" on our website.

However, DO NOT mention any reference to the National Security Letter issued against you anywhere in your lawsuit. A "State Secret Privilege" law was passed after 911 that allows the executive branch to dismiss any civil suit that has evidence of state secrets, so your suit would have no chance of being heard by the high court. Also, first try and e-mail your senator in Congress to try and get your National Security Letter removed. If they are unwilling or unable, then filing suit is the way to go – at least until President Trump fixes this travesty as he promised in a debate with Hillary on September 29, 2016. GO TRUMP!

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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 Farr 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 Farr and/or its board members are not licensed attorneys and 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 Farr or the A.H.A! for this information. If legal advice or other expert assistance is required, please consult a competent professional. In pursuing a legal matter or otherwise utilizing the above information, the person receiving this information agrees to indemnify and hold harmless Joan Farr 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 often changed by the courts without notice, which may result in errors or changes in the above process.

