

**SUMMONS FORMS
FOR NON-PRISONER PRO SE PLAINTIFFS
PROCEEDING IN FORMA PAUPERIS (“IFP”)**

1. If you are the plaintiff in a civil case AND
2. If you are not a prisoner AND
3. You are bringing your lawsuit
 - A. pro se (*i.e.*, without an attorney) **AND**
 - B. in forma pauperis or “IFP,” (*i.e.*, as one unable to pay court costs),

then you must read the following explanation very carefully. If all three conditions apply to you, you may ***not*** provide the court with summons forms for service of process on the defendant(s) **until** the clerk of the court notifies you to do so.

The law requires the court to screen complaints filed by persons proceeding IFP. In this screening (or “initial review”), the court provisionally determines the following issues:

- (1) whether the plaintiff’s allegation of poverty is true or untrue; or
- (2) whether the action (a) is frivolous or malicious; (b) fails to state a claim on which relief may be granted; or (c) seeks monetary relief against a defendant who is immune from such relief.

Therefore, before a plaintiff proceeding IFP may serve a summons on a defendant, the court must conduct an initial review of the plaintiff’s complaint. If the district judge or magistrate judge provisionally finds that the complaint need not be dismissed, the judge will issue an order in which the clerk of court is directed to send the plaintiff a blank summons form for each defendant named in the caption of the complaint, together with Form 285 for service of process, at no cost to the plaintiff, by the United States Marshal.

After receiving the court’s order, the plaintiff must complete the summons and 285 form(s), because without those forms, service of process cannot occur. The plaintiff then mails the completed summons and 285 form(s) to the clerk of court. When the clerk of the court receives the completed forms from the plaintiff, the clerk will sign the summons form(s) and send it or them, together with a copy of the complaint for each defendant, to the United States Marshal for service on the defendant(s). Because the plaintiff is proceeding IFP, the plaintiff is not responsible for copying the complaint or arranging for service of process.

SUMMARY: A PLAINTIFF PROCEEDING IFP MAY NOT SEND SUMMONS FORMS TO THE COURT UNLESS THE CLERK OF COURT HAS FIRST SENT THE FORMS TO THE PLAINTIFF FOLLOWING THE COURT’S “INITIAL REVIEW,” AS STATED ABOVE.