

Instructions: Writing and Filing a Motion

These forms were prepared by the Justice & Diversity Center, a nonprofit organization, and are not official court forms.

Checklist

This packet provides a general Motion form. **This packet is also available in a fillable pdf version on the Court's website at www.cand.uscourts.gov/civillitpackets.** This packet includes the following forms:

- Notice of Motion and Motion
- Declaration in Support of Motion
- [Proposed] Order
- Certificate of Service

General Instructions

A. These forms can be used to file a Motion in the Northern District Court of California. A motion is a request for the court to do something, such as give you more time to meet a deadline, set aside an entry of default, or dismiss the Complaint.

B. **Fill out each of the included forms COMPLETELY.** Suggestions are provided *[in brackets and italics that look like this]* to help you fill in the blanks. If a blank does not apply to you, write "not applicable." **Be sure to sign and date each form.**

C. **Serving and Filing the Papers.** Make sure that a copy of all of the motion forms in this packet is served on the opposing party in one of the ways listed on the Certificate of Service. Have the person who served the motion papers fill out the Certificate of Service. You can do this yourself. Then, mail or hand-deliver the **original plus two copies** of the to the Clerk's Office at the court to which you are assigned. The Clerk will take the original and one copy. The other copy is for you to keep after it is stamped by the Clerk. If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy back to you.

D. You must tell the Clerk right away if your mailing address changes. If the Court is unable to contact you, you may miss important deadlines, causing you to lose your case.

More Information

This packet does NOT tell you everything you need to know about filing a motion. **Before you file your motion,** we recommend that you:

- If your case is in the San Francisco/Oakland federal courthouse, make an appointment with the **Legal Help Center** for free legal information and advice by calling 415-782-8982 OR sign up at 450 Golden Gate Ave., S.F., 15th Floor, Room 2796 OR 1301 Clay Street, Oakland, 4th Floor, Room 470S. If your case is in San Jose, make an appointment

with the **Federal Legal Assistance Self Help Center** by calling (408) 297-1480 OR by signing up at 280 South First Street, S.J., Room 2070.

- Read Chapter 11 of the **Handbook for Pro Se Litigants** for an explanation of what a motion is and how to write one, available at the Clerk's Office or www.cand.uscourts.gov/prosehandbook.

1 Your name: _____

2 Address: _____

4 Phone Number: _____

5 E-mail Address: _____

6 Pro Se

8
9 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

10) Case Number: _____

11) **NOTICE OF MOTION AND MOTION**

12)
13) Plaintiff(s),
14)

14) vs.
15)

15) **AND MEMORANDUM OF POINTS AND**
16) **AUTHORITIES IN SUPPORT THEREOF**

17) DATE: _____

18) TIME: _____

19) COURTROOM: _____

20) Defendant(s).
21)

20) JUDGE: Hon. _____
21)

22 PLEASE TAKE NOTICE that on *[date]* _____, at
23 *[time]* _____, or as soon thereafter as the matter can be heard, in the courtroom of the
24 Honorable *[judge's name]* _____,
25 located at *[address of courthouse and courtroom number]* _____

26 _____ I will,
27 and hereby do, move for an order granting the attached *[name of the motion]* _____
28

NOTICE OF MOTION AND MOTION TO _____;

CASE NO. _____; PAGE __ OF __ [JDC TEMPLATE]

The motion will be based on this Notice of Motion and Motion, the Memorandum of Points and Authorities below, the Declaration(s) of [names of people who wrote declarations] _____

_____ and the [Proposed] Order filed herewith.

MEMORANDUM OF POINTS AND AUTHORITIES

Before completing this section, read Chapter 11 of the Pro Se Handbook. This section should include the following separate parts. Number each part.

- 1. A table of contents and a table of authorities, if the memorandum is longer than ten pages;*
- 2. A statement of the **issues** you want the court to decide;*
- 3. A brief statement of the **facts** that are relevant to this motion;*
- 4. Your **argument** for why the judge should grant this motion. Include citations to relevant cases and law. When you refer to specific facts, those facts should also appear in a DECLARATION, which you must submit with this motion. After you state a fact in this section of the motion, state what paragraph of the DECLARATION contains the fact you are using to support your position.*

NOTICE OF MOTION AND MOTION TO _____;

CASE NO. _____; PAGE __ OF __ [JDC TEMPLATE]

1 *[Insert as many copies of this page as you need. Make extra copies before you write on it.]*

28 NOTICE OF MOTION AND MOTION TO _____;

CASE NO. _____; PAGE __ OF __ [JDC TEMPLATE]

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All parties who are making this motion must sign, date, and print their names here. Attach another page if you need to.

Respectfully submitted,

Date: _____ Signature: _____

Printed name: _____
Pro Se

NOTICE OF MOTION AND MOTION TO _____;

CASE NO. _____; PAGE __ OF __ [JDC TEMPLATE]

1 Your name: _____

2 Address: _____

3 _____

4 Phone Number: _____

5 E-mail Address: _____

6 Pro Se

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10) Case Number: _____

11) **DECLARATION OF**

12) *[name]* _____

13 Plaintiff(s),

14 vs.

15) **IN SUPPORT OF MOTION**

16)
17)
18)
19)
20 Defendant(s).
21)

22 In support of *[write "Plaintiff's" or "Defendant's"]**[title of motion]*, _____

23
24
25 I, *[name]* _____

26 declare as follows:

27 //

28 //

DECLARATION OF _____

CASE NO. _____ PAGE NO. __ OF __ [JDC TEMPLATE]

1 *In the first paragraph, explain who you are and how you are connected to the party or*
2 *events relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a*
3 *witness, say how you are involved.*

4 1. I am _____
5 _____
6 _____
7 _____

8 2. I have personal knowledge of all facts stated in this declaration, and if called to
9 testify, I could and would testify competently thereto.

10 *Continue writing facts that support the argument that the Court should grant the motion.*
11 *Write each fact in a separate paragraph, and number each paragraph. Add additional sheets of*
12 *paper as necessary. You may only testify to facts or occurrences that you have personal*
13 *knowledge of or that you personally witnessed. Explain how you know each fact.*

14 3. _____
15 _____
16 _____

17 4. _____
18 _____
19 _____

20 5. _____
21 _____
22 _____

23 6. _____
24 _____
25 _____

26 7. _____
27 _____
28 _____

DECLARATION OF _____

CASE NO. _____ PAGE NO. __ OF __ [JDC TEMPLATE]

[Insert this page if you need extra space. Make extra copies before you write on it.]

8.

9.

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DECLARATION OF _____
CASE NO. _____ PAGE NO. __OF__ [JDC TEMPLATE]

17. _____

18. _____

19. _____

20. _____

21. _____

22. _____

WHEREFORE, I respectfully ask the Court to grant this motion, as well as such other relief as may be just and proper.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on *[date]* _____.

Date: _____

Signature: _____

Printed name: _____

Address: _____

Phone Number: _____

DECLARATION OF _____

CASE NO. _____ PAGE NO. __ OF __ [JDC TEMPLATE]

1 Your name: _____

2 Address: _____

3 _____

4 Phone Number: _____

5 E-mail Address: _____

6 Pro Se

7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9) Case Number: _____

10) **[PROPOSED] ORDER GRANTING**
11) **MOTION**

12 Plaintiff(s),

13 vs.

14 _____
15 _____
16 _____
17 _____
18 Defendant(s).
19 _____

20 The Court has considered *[write "Plaintiff's" or "Defendant's"]* _____

21 *[title of motion]* _____

22 and the accompanying Declaration(s) of *[names]* _____

24 Finding that good cause exists, the Motion is GRANTED.

25 IT IS SO ORDERED.

26 *[Do not write below this]*

27 Date: _____ *[Judge's signature]* _____

28 *[Judge's name]:* _____

United States District/Magistrate Judge

[PROPOSED] ORDER GRANTING MOTION, CASE NO. _____ [JDC
TEMPLATE]

CERTIFICATE OF SERVICE

Use this form to show that a paper or document (other than a complaint) was served (sent or delivered) to an opposing party in accordance with Federal Rule of Civil Procedure 5. A different form is needed to serve a complaint under Federal Rule of Civil Procedure 4.

Case name: _____

Case number: _____

What document was served? *(Write the full name or title of the document or documents, e.g., "Plaintiff's Opposition to Defendant's Motion for Summary Judgment.")*

Title(s): _____

How was the document served? *(Check one.)*

- ☐ Placed in U. S. Mail
☐ Sent by fax
☐ Hand-delivered
☐ Sent by delivery service (e.g., FedEx or UPS)

To whom was the document sent? *(Write the full name, address, and fax number of everyone who was sent the document. Usually, they will be the lawyers for the opposing parties.)*

When were the documents served? *(When were they mailed, faxed, or delivered?)*

Date: _____

Who served the documents? *(Whoever puts it into the mail, faxes, hand-deliveres, or sends by delivery service should print his/her name, address and sign. You can also do this yourself.)*

I declare under penalty of perjury under the laws of the United States of America that the information in this certificate of service is true and correct.

Signature: _____

Printed name: _____

Address: _____