

Attorney Guide for
Opening a Civil Case/Filing a Complaint

Eastern District of Texas
August 24, 2022

INTRODUCTION

You must open your own public civil cases and electronically file (e-file) the initial pleading. (You may pay the filing fee online with a credit card or indicate that the case is being filed in forma pauperis or the filing fee is waived. (You must submit a sealed civil case complaint to the clerk in paper.)

You must complete the **entire** process at one time - open the case and file the complaint or other initial pleading. Even if you make an error during case opening, including while entering parties, if you can get the case opened and docket an event to it, do not open another case for the same complaint. (The clerk will assist you by correcting the errors within one business day.)

As docketing uses your browser's cookies to store filing information, ***do not*** click the back button once you have been redirected to the Pay.gov site to enter your payment information. Doing so and proceeding forward again could result in the loss of all the data entry entered in prior screens or your credit card being charged twice. (If double-billing occurs, please send an email to Finance@txed.uscourts.gov and include the 1) case number, 2) date of transaction, 3) receipt number, 4) amount paid, and 5) name of the remitting attorney or firm.)

FILING SUMMARY

1. Open case with attached complaint and civil cover sheet. If you file the initial document with an accompanying Motion to Proceed Informa Pauperis, do not file the motion/application to proceed in forma pauperis as an attachment to the complaint. You must file the motion/application to proceed in forma pauperis as a separate document using the appropriate motion event.
2. Email the summons to the appropriate clerk's office as a PDF document. The case number must be clearly noted on the summons. The email addresses are listed below:

Tyler	newcasetyl@txed.uscourts.gov
Beaumont	newcasebmt@txed.uscourts.gov
Marshall	newcasemsh@txed.uscourts.gov
Lufkin	newcaseluf@txed.uscourts.gov
Sherman	newcaseshm@txed.uscourts.gov
Texarkana	newcasetxk@txed.uscourts.gov

3. The summons will be returned to you via email.

CASE OPENING INSTRUCTIONS

1. Once you are logged in via your PACER credentials to e-file, click the Civil option from the main menu.
2. Click on the Open a Civil Case hyperlink, and receive a notice that the complaint must be filed the same day that the case is opened. Click <Next>.
3. Enter the requested data: Office (select the correct division from the pull down menu); case type = cv; ignore the Lead case number and Association type; if the case is a removal from state court, fill in the Other court name and Other court number; ignore the Related cases box even if you noted a related case on the civil cover sheet. This field is reserved for court use if a judge agrees cases are related and wishes for the clerk to set a cross-case hyperlink. Click <Next>.
4. Using your civil cover sheet as a guide, enter the requested data. NOTE: Demand (\$000) is a number representing the dollar amount demanded in thousands, up to four digits. For example, enter \$10,000 as "10." If there is no dollar demand, leave blank. Click <Next>. If you receive a message regarding an invalid combination of entries, simply correct one or more fields and continue.

Adding Parties

5. Review the party addition standards found in Appendix A. Then search the database for existing parties. (If you add a party that already exists, the database will soon be cluttered with duplicate names, and it will become very difficult to query by name.) Begin by searching to see if the party already exists. If the party is anyone other than an individual, (e.g., a company, university, municipality), enter the entire name in the Last name field. (Type the last name or the first few letters of the last name and click the Search button.)
 - a. If the party you searched for already exists in the database, click the party in the Search Results box and then <Select Party>. Alternatively, you may either search again or click Create New Party. To search again, simply type in a new Last or First name and click the Search button again.
 - b. If the party doesn't exist in the database, enter the party name and select <Add Party>. Please see Appendix A for party name addition standards (e.g., do not enter party names in ALL CAPS unless the party's name is an acronym).
6. Then complete the party information screen, **but never enter an email address for a party** (emails may only be added via the ECF registration process):
 - a. Select the role of the party (plaintiff, defendant, etc.) and if party text appears on the complaint (e.g., "as next friend of," "in official capacity,") enter it.
 - b. If the party is represented by counsel, only enter the party's name (do not add the address).
 - c. If you are opening a removal case, and the plaintiff is proceeding pro se, you may enter address information for the pro se plaintiff. (If you represent the plaintiff and understand the defendant is pro se, do not enter the address information since the defendant has not appeared in the case yet. The clerk will enter a pro se litigant's address if and when a party later makes a pro se appearance.)
7. Ignore the Corporate Parent button. You will add the corporate parent when you file the corporate parent disclosure statement.
8. If the party has an alias listed on the complaint, (e.g., "formerly known as", "doing business as", "on behalf of"), add it now by clicking the add alias icon.
9. Click <Add New Party>. If you click the Back button you will be required to re-add parties.

10. You will see the party's information appear in the left panel of your screen. If you want to add another party, you must search for the new party name. (If you click on the <Add New Party> button, you'll notice nothing happens. ECF *forces* you to search for a party before you can add a new one to the database. If the role type wasn't changed and defaults to the wrong type (e.g., "dft"), click the pencil icon to edit as needed.



The interface becomes a bit intuitive at this point. The more parties you add, the longer the party list grows.



If you click on the pencil icon to edit the party screen, make the changes and click <Save Changes> button. If you decide not to make changes, click on the Start a New Search button. Clicking the Back button will require you to re-add parties.

11. Once you have added all of your parties, click the <Create Case> button. You will be asked if you want to proceed. Click Yes. (Note: Local Rule CV-4 Attorneys must electronically file their civil complaints within 24 hours of opening the shell civil case in ECF.) You are now ready to docket the complaint.

COMPLAINT DOCKETING INSTRUCTIONS

1. Click the [Docket Lead Event?](#) hyperlink. You **must** docket the lead event.
2. Choose the event from the drop down box and click <Next>.
3. The case number will be displayed. Do not change this number. Click <Next> and proceed.
4. When prompted, select the filer by clicking on the party and then click <Next>. (If you forgot to add a party earlier, you can still add parties now. Simply click on <New Filer>. Repeat the party search/addition steps to add the new filer and complete the party information screen (role, party text, etc., **but never add an email address.**))
5. After you select the filer, you will receive a message that allows you to link yourself as the attorney for the party. Select the "lead" and "notice" options that are appropriate. Click <Next>.
6. Select the party that the filing is against. You can select one party, use the Ctrl key and select additional parties, or use a radio button to select a group (e.g, All Defendants).
7. Add the complaint or removal by clicking Browse and navigating to the directory where your pdf document is stored. Right click on the PDF and choose to view it to ensure you are selecting the right document. Once satisfied, click to insert or double click the file name to automatically insert it. Next, attach your civil cover sheet or appropriate attachments to your Notice of Removal as instructed by Local Rule CV-81. (You must use the drop down menu to select an attachment default name or enter a custom title (or both).) Click <Next>.
8. Answer the question regarding "Application to Proceed Without Prepayment of Fees" and click <Next> to continue.
9. Be mindful of the warning to complete the event or risk having your credit card charged without record of the entry appearing in the case. Click <Next> to continue.
10. After reviewing the fee amount, you will be transferred to Pay.gov to pay the filing fee. Complete the transaction and after verifying that all the information is correct, check the authorization box and then click the Submit Payment button **ONLY ONCE**. Your card may be charged multiple times if you click more than once. Your payment will be confirmed and you will be returned to ECF.
11. Add any text modifier to the entry as appropriate and click <Next>.
12. Review the final text and click the Next button to continue. (Even if you made an error in linkage, such as choosing the wrong filer of the complaint, if you paid the filing fee during the transaction, we recommend you accept the entry as is and contact the clerk's office to request that we correct the entry for you.)
13. Congratulations! The complaint is now filed; review the notice of electronic filing on the screen.
14. E-mail the summons to the appropriate division using the addresses shown on page 1. (You will receive it via email.

15: You may now continue to docket other filings.

Remember to follow the Filing Principles to Apply Each Time You Docket that are described in the [Electronic Case Filing User's Manual](#):

- Use Portable Document Format and Limit Each to 15 MB
- Choose the Best Docket Event Available
- If you File in a Multidefendant Criminal Case, Spread the Entry Appropriately
- Abide by Noted Protocols When Adding New Parties
- Do Not Open a New Case if You Made a Mistake But Can Still Docket the Complaint
- Link Related Documents
- If You File a Motion, Attach a Proposed Order
- Attach the Proposed Document as an Exhibit to the Motion for Leave to File the Document
- Use the Notice of Electronic Filing to Determine if You Need to Manually Serve
- If You Make a Docketing Error, Contact the Clerk's Office As Soon As Possible

Appendix A

If unsure on how to enter a party name, please contact the clerk's office for guidance.

1. **Omit the word "The."**

Examples:

The Enrich Company, Inc.

Last Name: Enrich Company, Inc.

The City of Toledo

Last Name: City of Toledo

2. **Social Security Cases.** Always enter party name as Commissioner of Social Security.

Examples:

Department of Health and Human Services

Jo Ann B. Barnhart, Commissioner of Social Security

Social Security Commissioner

Secretary of Health and Human Services

Last Name Field: Commissioner of Social Security

3. **John Does.** If the complaint includes numerous John Does, add as one party name. Never add the numbers, letters or roman numerals to the party name. Always add as party text.

Examples:

John Doe I-X

Last Name Field: Doe

First Name Field: John

Party Text: I-X

John Doe Police Officers 1-10

Last Name Field: Doe

First Name Field: John

Party Text: Police Officers 1-10

4. **Estates**

Example: The Estate of James P. Sentinel by Joseph Smith

Last Name Field: Smith

First Name Field: Joseph

Party Text: Executor of the Estate of

Create Alias:

Last Name Field: Sentinel

First Name Field: James

Middle Name Field: P.

Alias Code: dec

5. **Individuals with Titles**

Example: James S. Haviland, Warden of Allen Correctional Institution

Last Name Field: Haviland

First Name Field: James

Middle Name Field: S.

Party Text Field: Warden of Allen Correctional Institution

6. **Unknown Names**

Example: Unknown Spouse of Kenneth M. Keller, If any

Last Name Field: Unknown Spouse, if any, of Kenneth M. Keller

7. **Union Names**

Example: Building Laborers Local 310 Pension Fund

Last Name Field: Local 310 Building Laborers Pension Fund