



Responding to a Summons and Complaint

1. Do I have to respond to a summons and complaint?

Yes, if the summons and complaint were properly served under [Federal Rule of Civil Procedure 4](#). The summons states the amount of time you have to respond to the complaint. See [Rule 12 of the Federal Rules of Civil Procedure](#) for more information on when a response to a complaint is due. If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint.

2. How should I respond to the summons and complaint?

Under Rule 12 of the Federal Rules of Civil Procedure, once a defendant has been served with a complaint the defendant must, within the required amount of time, either file an answer to the complaint or file a motion challenging some aspect of the complaint. Your answer or motion in response to the complaint must be served on the plaintiff(s) and filed with the Court. For more guidance on serving your response to the complaint, see Rule 12 of the Federal Rules of Civil Procedure and Chapter Three of the [Pro Se Civil Guidebook](#), available on the Court's website.

3. What is an Answer?

An Answer is a written response to the complaint. [Rule 8\(b\) of the Federal Rules of Civil Procedure](#) requires the defendant to admit or deny every statement in the complaint. If the defendant does not have enough information to determine whether the statement is true or false, the defendant must state that he or she does not have enough information to admit or deny that statement. If only part of a statement in the complaint is true, the defendant must admit that part and deny the rest. Generally, under Rule 8(b)(6), a defendant is considered to have admitted every statement that he or she does not specifically deny, except for the amount of damages. When a defendant files an answer, he or she can also file a counterclaim, which is a complaint against the plaintiff.

For more guidance on writing an answer or counterclaim, see Chapter Three of the [Pro Se Civil Guidebook](#), available on the Court's website.

4. What is a motion under Rule 12?

Motions under Rule 12 of the Federal Rules of Civil Procedure are motions challenging some aspect of the complaint. Rule 12(b) of the Federal Rules of Civil Procedure lists the defenses that can be raised in a motion to dismiss the complaint (or counterclaim).



For more guidance on a motion under Rule 12, see Chapter Three of the [Pro Se Civil Guidebook](#), available on the Court's website.