



Service of Process in Prisoner Cases

Please read the information provided below carefully.

1. What do I do after I file the complaint?

If you filed an Application to Proceed in District Court without Prepaying Fees or Costs (also called an IFP application) and it is granted, the Clerk's Office will automatically prepare and issue a summons. The defendants will then be served the summons and complaint by a United States Marshal at no cost to you. However, a U.S. Marshal will serve only those defendants for whom you have submitted a properly completed marshal service form. You must submit one properly completed marshal service form for each defendant to be served. U.S. Marshal service forms are available from the Clerk's Office.

If you did not file an Application to Proceed in District Court without Prepaying Fees or Costs, or if you filed the application but it was denied (and your case survived summary review), you must arrange on your own to have a *copy* of the summons and complaint served on each defendant. You can get a Summons in a Civil Action form by requesting it from the Clerk's Office. When you complete it, send it to the Clerk's Office to have it signed and sealed by a Deputy Clerk. You should keep the original summons that has been signed and sealed and file it with the Clerk's Office, along with a proof of service for each defendant. The Proof of Service form is attached to the Summons in a Civil Action form. Your lawsuit will not proceed until you serve copies of the summons and complaint on each named defendant.

2. When must the summons and complaint be served?

A plaintiff has 120 days from the date the complaint was filed to serve a copy of the summons and the complaint. See [Federal Rule of Civil Procedure 4\(m\)](#).

3. What is the proper way to serve the summons and complaint?

There are different requirements for serving the summons and complaint on individuals, businesses, and government entities or officials. You must determine the proper way to serve each defendant with a copy of the summons and complaint. The proper methods of service are found in Federal Rule of Civil Procedure 4.

4. How do I prove that a defendant was served?

You must file a proof of service with the Court. The person who performed the service of process must complete and sign a proof of service form. Proof of service forms are



available by request to the Clerk's Office. See [Federal Rule of Civil Procedure 4\(l\)](#) for more information.

5. What do I do after a defendant is served?

When each defendant has been served, submit the original summons along with the proofs of service to the Clerk's Office for filing.