

## **RULE 3**

**(As Amended July 1, 2008)**

### **COMMENCEMENT OF ACTION**

#### **(a) Commencement of Civil Action**

The filing fee shall be paid to the Clerk upon filing the complaint. A party who desires to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 shall file with the complaint a motion for leave to proceed in forma pauperis together with an affidavit showing in detail the party's inability to pay fees and costs and that the party is entitled to redress. All complaints shall be accompanied by a properly completed Civil Cover Sheet (Form JS-44) which is available from the Clerk.

#### **(b) Assignment**

Maine constitutes one judicial district. Court shall be held at Bangor and Portland. The filing party shall file each new action in Bangor or Portland, and the latter shall ordinarily be tried in Bangor or Portland, by reference to the county in which a substantial part of the events or omissions giving rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated. Cases arising in the counties of Aroostook, Franklin, Hancock, Kennebec, Penobscot, Piscataquis, Somerset, Waldo and Washington shall be filed and ordinarily tried at Bangor. Cases arising in the counties of Androscoggin, Cumberland, Knox, Lincoln, Oxford, Sagadahoc and York shall be filed and ordinarily tried at Portland. However, the Clerk shall assign those cases arising out of Kennebec County, in which the State of Maine is either a plaintiff or a defendant, to the judges of the court by lot, in such manner that each judge shall be assigned an equal number of said cases<sup>[1]</sup>. Those Knox County cases brought by inmates at the Maine State Prison in Thomaston and Warren, which would ordinarily be filed in Portland, are to be filed in Bangor.

New Hampshire and Rhode Island cases referred to this court due to the recusal of the judges in those Districts and appeals from decisions of the U. S. Bankruptcy Court to the district judges of this court shall be assigned by lot so that each judge is assigned an equal number of each category of cases.

**(c) Form of Complaint in Social Security Cases**

Complaints filed in civil cases, pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for benefits under Titles II, XVI and XVIII of the Social Security Act shall use the form provided in Appendix I.

---

<sup>[1]</sup> Cases shall be randomly assigned to the extent a judge is not recused at the time of assignment.