UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

INFORMATION PACKET FOR SELF-REPRESENTED ("PRO SE") PARTIES

Jennifer P. Lyons, Clerk of Court

February 2026

This packet is intended as an informative and practical resource. It cannot take the place of an attorney's legal advice, nor will it answer all of your questions about what is required to represent yourself in legal proceedings.

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INTRODUCTION

The information in this packet is for individuals who are representing themselves in civil actions in the District of Maine without the assistance of an attorney. Parties who choose to represent themselves are often referred to as *pro se* parties or *pro se* litigants. *Pro se* means "for yourself."

Unlike attorneys, *pro se* litigants may only represent themselves and may only present their own claims and defenses. Under the law, you may not speak for another person or entity such as a company or business. This means that you may not file a class action lawsuit. A *pro se* litigant also may not authorize another person who is not a licensed attorney to appear for them. This includes a spouse, relative, or another party.

The Court encourages all self-represented litigants to consult this packet together with the Federal Rules of Practice and Procedure, including the Federal Rules of Civil Procedure and the Federal Rules of Evidence (both are also available in Title 28 of the United States Code), the District of Maine Local Rules, and additional resources available on the Court's website, including the forms and Frequently Asked Questions (FAQ).[1]

THE DISTRICT OF MAINE

The United States District Court for the District of Maine has courtrooms and offices in the City of Bangor and the City of Portland. Cases are filed in either the Bangor Federal Courthouse or the Portland Federal Courthouse depending on the county in which the lawsuit arises. Cases arising out of Aroostook, Franklin, Hancock, Kennebec, Penobscot, Piscataquis, Somerset, Waldo and Washington counties are filed and ordinarily heard in Bangor. Cases arising out of Androscoggin, Cumberland, Knox[2], Lincoln, Oxford, Sagadahoc and York counties are filed and ordinarily heard in Portland.

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[1] The Federal Rules, Local Rules, the United States Code, statues, etc. are regularly updated. You are responsible for making sure that you are using the most recent version of each.

[2] Cases brought by inmates at the Maine State Prison in Warren must be filed in Bangor and are automatically referred to the magistrate judge in Bangor.

Bangor:	**Portland**:
Clerk, U.S. District Court Margaret Chase Smith Federal Building 202 Harlow Street, 3rd Floor Bangor, ME 04401 (207) 945-0575	Clerk, U.S. District Court Edward T. Gignoux, U.S. Courthouse 156 Federal Street Portland, ME 04101 (207) 780-3356

Four district judges and one magistrate judge hold court in Portland, and one district judge and one magistrate judge hold court in Bangor. Each judicial officer maintains chambers in his or her respective court location. However, all judicial officers have district-wide powers and occasionally they alternate their locations to hold court. The judicial officers in the District of Maine are:

District Judges	
Bangor	**Portland**
Stacey D. Neumann	Lance E. Walker, Chief Judge John A. Woodcock, Jr.

Magistrate Judges	
Bangor	**Portland**
John C. Nivison	Karen Frink Wolf

THE CLERK'S OFFICE

The authority and responsibilities of the Clerk's Office is outlined in Rules 77 through 79 of the Federal Rules of Civil Procedure. Jennifer P. Lyons is the Clerk of Court for the District of Maine. When you write or call the Clerk's Office, you will speak with a case manager. Case managers are responsible for maintaining the official court record. They process paperwork, schedule matters before the judge, and perform work in the courtroom. Each judge has an assigned case manager who assists them with their cases. **All case-related inquiries should be directed to the case manager to**

whom your case is assigned. You are not permitted to telephone, email, or mail the judge's chambers directly.

Case managers and other Clerk's Office staff may assist you with some of your inquiries, but they are not authorized to provide you with legal advice. In general, legal advice is advice about what the law is; how to succeed in your case; how to interpret the Constitution, statutes, rules or other sources of law.

In addition to being unable to provide litigants with legal advice, Clerk's Office staff are not allowed to:

- Make recommendations or suggest ways to help you win your case.
- Fill out or correct any forms for you.
- Predict how or when a judge may decide any issue.
- Interpret the meaning of any judicial order.
- Calculate response times or certain deadlines.
- Let you speak to a judge outside of a court hearing.
- Give you free copies of documents from your case.
- Conduct legal research for you.

Clerk's Office staff may provide assistance regarding court administration and docket management. Clerk's Office staff may:

- Answer general questions about how the Court works.
- Give general information about court rules, terminology, procedures and practices.
- Provide or refer you to available court forms.
- Provide general information from your case, such as informing you of certain deadlines or if a decision whether order has been issued.

RESPONSIBILITIES OF SELF-REPRESENTED LITIGANTS

As a self-represented litigant, you have certain responsibilities and take on certain risks. In particular, you must ensure that you conduct your case and present your filings in compliance with the Federal Rules of Civil Procedure ("Fed. R. Civ. P." or "the Rules")

and the Local Rules for the District of Maine ("D. Me. Loc. R." or "the Local Rules"). In addition, you should familiarize yourself with the Federal Rules of Evidence ("Fed. R. Evid." or "the Rules of Evidence") and any substantive law that governs the merits of your civil action. The fact that you do not have an attorney does not relieve you of these responsibilities.

The following list of responsibilities is not intended to be exhaustive, and only provides a few examples of the manner in which self-represented litigants are expected to conduct themselves when pursuing an action in this Court:

1. You are required to diligently prosecute your lawsuit. Unless and until you obtain an attorney to represent you, it is your responsibility to do everything necessary to prepare your case for trial. This includes, but is not limited to, responding to discovery requests and motions. If the case goes to trial, it will also be your responsibility to present your case in court.

2. Do not expect any correspondence or orders from the Court instructing you about how to pursue your lawsuit. If you fail to follow established procedures and orders issued by the Court, your case may be subject to dismissal.

3. You must file all pleadings with the Court and all pleadings must contain your signature on the last page as provided in Rule 5 of the Federal Rules of Civil Procedure (Fed. R. Civ. P. 5), you are required to serve the opposing parties' attorney (or the opposing party themself, if they are self-represented) with copies of all pleadings and motions filed with the Court. Likewise, each opposing party is required to serve you with copies of all pleadings they file with the Court.
4. Each pleading must contain the case caption, docket number, and title of the document.

5. Documents filed with the Court are publicly available. As provided in Rule 5.2 of the Federal Rules of Civil Procedure (Fed. R. Civ. P. 5.2), you must take special care not to disclose in your filings anyone's social security number, taxpayer-identification number, birth date, the full name of a minor, or a financial account number. All such references must be "redacted." This means that before you file the document with the Court you must make sure that the document contains only the last four digits of the Social Security or taxpayer number, only the year of the individual's birth, only the minor's initials and only the last four digits of the financial account number. **The person filing the document is responsible for making these redactions.** Rule 5.2 protects an individual's privacy because all filings submitted to the Court, whether in electronic or in paper format, will appear on the docket and be publicly available.

6. You must keep the Court and the all other involved parties advised of any change of your address or telephone number. This is done by providing a Notice of Change of Address in writing. Failure to do so may result in the imposition of sanctions, which could include the dismissal of your case.

7. You should retain for your records a copy of every document you submit to the Court. You may obtain copies from the Clerk's Office for a fee. The Clerk's Office may not provide you with copies free of charge.

WHERE TO FIND LEGAL ADVICE

If you decide that you do not wish to represent yourself but do not know of a lawyer who can assist you, you should consult the Yellow Pages of your telephone directory, search out a federally-licensed attorney on the Internet, or utilize the online Lawyer Referral Service offered by the Maine State Bar Association. If your income qualifies, you may be eligible for free or low-cost legal assistance from an office of Pine Tree Legal Assistance or from the Volunteer Lawyers Project of Maine. If you are over 60 years old, you may be eligible for legal assistance from an office of the Legal Services for the Elderly.

Some attorneys and law firms also provide "pro bono" (free) legal services to persons unable to afford their services. The Court does not maintain a list of such attorneys, but you are free to inquire of law firms on your own behalf as to if they provide pro bono services.

WHAT IS A FEDERAL CASE?

The United States District Court for the District of Maine is a federal court with limited jurisdiction. This means that the Court only has jurisdiction, or legal authority, to hear certain types of cases. This makes it unlike the State of Maine "District and "Superior" Courts, which have jurisdiction over most legal disputes arising in Maine.

Cases that **may** be filed with the United States District Court by private individuals include:

- Civil cases with at least one claim that arises under the United States Constitution and/or federal law. If this is the only basis for jurisdiction, then related state law claims, if any, may be included in the case but they must arise out of the same group of facts as the federal claim(s) in the case.
- Civil cases brought against the United States of America and its agencies, and civil cases against federal officers or employees based on acts undertaken in the scope of their federal duties, even if the claim or claims in the case arise under state law.
- Civil cases that arise under state law but are between persons who reside in different states, provided that the amount in controversy exceeds $75,000, so-called "diversity of citizenship" cases.
- Cases based on the United States District Court's admiralty (maritime) jurisdiction.

If your case does not fall under any of these categories, the United States District Court may not be the appropriate court.

Cases that **should not** be filed with the Unites States District Court:

- Cases between persons who live in Maine involving only state law claims.

- Cases arising out of domestic relations, which include divorce, protection from abuse, and parental rights and responsibilities. However, cases arising under the Hague Convention on Civil Aspects of International Child Abduction may be filed in the United States District Court.
- Cases by **prisoners** who seek relief based exclusively on state law, rules, and/or regulations, that do not allege a violation of the United States Constitution or federal law.

It is your burden to demonstrate that your case belongs in federal court. If your case does not belong in the United States District Court, it does not mean you are without recourse. You may be able to file your case in state court.

HOW TO FILE A CIVIL ACTION IN FEDERAL COURT

"A civil action is commenced by filing a complaint with the court." See Fed. R. Civ. P. 3. In addition, you must complete certain forms. The following paragraphs explain the components of a Complaint and identify the administrative documents the Clerk's Office will require you to file to open a new case. (Underlined documents are available as downloadable forms on the Court's website under the "Self-Representation" tab or upon request in paper format.)

1. Complaint. The "Complaint" is the document that the plaintiff needs to file with the Court to initiate a lawsuit. You may write your own Complaint or use the complaint form provided by the Court.

A Complaint does not need to be typewritten but must be legible if handwritten. It must be submitted on 8 ½″ x 11″ paper. The Complaint should contain:

a. A caption or heading specifying the court in which it is being filed. All plaintiffs and defendants must be listed in the caption of the Complaint.

b. A title, i.e. — Complaint.

c. The name and address of *each* plaintiff and defendant.

d. One or more paragraphs explaining why this Court has jurisdiction, or legal authority, to decide the case.

e. Separate numbered paragraph(s) that set forth a short and plain statement of the facts that give rise to the complaint and state the nature of the claim or claims being advanced. The statement of facts should include a description of what the defendant(s) did or failed to do and how those acts or omissions caused injury or damage to you, as well as a description of any injury sustained by you and what medical treatment, if any, was required. If you fail to provide the facts that demonstrate how each defendant was personally involved in and/or responsible for the alleged incident or harm to you, it may result in dismissal of that defendant or the entire case.

f. The date, with your original signature, followed by your complete mailing address and telephone number. You should exercise care to assure that all statements you have given are true and accurate.

g. Jury Demand. When filing a Complaint (or an Answer) you should consider whether you want a jury to decide your case. If a jury trial is desired, a jury demand must be requested and included in the title of the Complaint or Answer (you do not need to file a separate document demanding a jury trial). If you fail to demand a jury trial you will waive your right to a jury trial. In some types of cases, such as tort actions against the United States, jury trials are not available.

h. Rule 11 of the Federal Rules of Civil Procedure prohibits filing lawsuits that are clearly frivolous or filed with the intent to harass another individual. If, after reviewing your Complaint, the Court determines that you have filed a lawsuit for an improper or clearly unnecessary purpose, it may impose sanctions against you. Those sanctions may include

ordering you to pay a fine or pay the legal fees of the person or persons against whom you filed the lawsuit.

***Note*:** The initial complaint and accompanying case opening documents can be filed with the court in paper form via mail or hand delivery or may be filed electronically with the court via email should you choose to sign up for electronic filing. If you opt for electronic filing, your email containing case opening documents must contain a properly completed Pro Se Registration Form for Electronic Filing. Any new case received by email that does not contain a properly completed Registration Form will not be accepted for filing. Refer to Appendix B, Guidance for Electronic Filing in the District of Maine, for more information regarding electronic filing.

2. Civil Cover Sheet JS-44. You need to complete this form when you file your Complaint with the Court.

3. Filing Fee or Application to Proceed Without the Prepayment of Fees and Costs. Cash, a credit card, money order, cashier's check, or personal check, (made payable to "Clerk, USDC") are acceptable forms of payment,

If you are unable to afford the filing fee and service costs, you may ask the Court to waive those fees and costs. To do so, you must file an Application for Leave to Proceed in District Court Without Prepayment of Fees or Costs. The Application incorporates an affidavit. An affidavit is a document that you complete and sign under penalty of perjury declaring that the information provided is true and accurate. The application must be fully completed, typewritten or legibly handwritten and include your original signature. The application to proceed without payment of the filing fee will be docketed in your electronic case file, meaning that it will be accessible to members of the public.

WHAT HAPPENS NEXT?

After the plaintiff completes and files the Complaint and supporting documentation a case manager or other Clerk's Office staff will:

1. Assign a case number and judges (both a district judge and a magistrate judge). The case number (for example, 1:22-cv-00123-JAW) is broken down into five parts: Bangor (1) or Portland (2); the year the case was filed (here, 22); "cv" for civil case; the sequence of case (here, "00123"); and the initials of the District Judge to whom the case is assigned (here, "JAW").

2. Provide signed Summons forms, if requested.

3. Write a receipt for the filing fee.

If the plaintiff is asking that the filing fee be waived, then steps 3 and 4 will not take place. Instead, a judge will first conduct an initial review to decide whether (a) the application to proceed without prepayment of the filing fees and costs should be granted and (b) the complaint is subject to dismissal for asserting "frivolous and malicious" claims or for failure to state a claim on which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B).

If the Court grants the application and determines that the complaint states a claim against one or more defendants, then the Court will issue an order for service instructing the Clerk's Office to prepare the necessary paperwork to serve the defendant(s) on the plaintiff's behalf. For purposes of service, it is the plaintiff's responsibility to provide the Court with the address(es) where the defendant(s) can be served.

If the Court denies the application to proceed without prepayment, the Court will issue an order explaining why. At this point, the case may be dismissed if the plaintiff does not pay the filing fee by the date ordered. If a plaintiff is required to pay the filing fee, then the plaintiff must make their own arrangements to serve the defendant(s).

SERVING A COMPLAINT

As provided in Federal Rule of Civil Procedure 4(d), a plaintiff will ordinarily request that the defendant waive formal service (that is, the formal delivery of the Complaint or other papers to the defendant, officially notifying the defendant of the action). Generally, a plaintiff will send the defendant a copy of the Complaint together with a Notice of Lawsuit and Request for Waiver Service and Waiver of the Service of Summons. Typically, the defendant will sign the waiver of service and return it to the plaintiff who then must file it with the Court. The action will then proceed as if service of a summons and Complaint has been made.

If the defendant does not waive service, the plaintiff must complete a Summons, present it to a Clerk's Office staff member to sign and seal, and then have it served upon the defendant in accordance with Rule 4 of the Federal Rules of Procedure.

For more information on service of process in a civil case. See Appendix A, Guidance Concerning Service of Process.

HOW TO RESPOND TO AN ACTION FILED AGAINST YOU

The defendant in a lawsuit is the person against whom relief or recovery is sought in a Complaint. Like the plaintiff, an individual defendant may be self-represented. If you are a self-represented defendant, keep in mind that you should seriously consider obtaining professional legal assistance.

The first step in representing yourself as a defendant is to respond to the Complaint by filing a Motion or an Answer. See Fed. R. Civ. P. 12. An Answer is a formal written statement responding to the Complaint setting forth the grounds for a defense. The Rules set a deadline for a defendant to answer or respond to a Complaint. Typically, a defendant must file an Answer or responsive motion within 21 days after being served with the summons and Complaint. If a defendant receives a request to waive service, and s/he elects to waive formal service s/he must return the form to the plaintiff within 30 days of the date the Notice of Lawsuit and Request for Waiver was mailed to the defendant. If the defendant signs the "Waiver of Service," s/he is allowed 60 days from the date the plaintiff mailed

the waiver to respond to the Complaint. The United States government, its agencies, and employees have 60 days from the date of service to respond to a Complaint.

The defendant's "Answer" or responsive motion must be filed with the Clerk's Office and shall include the case caption that appears on the Complaint. The Answer should state any defenses that may exist to the plaintiff's claims and admit or deny each of the allegations in the Complaint. The defendant may request a jury trial, and the request may be made within the Answer. The defendant also must mail a copy of the Motion or Answer to the plaintiff(s).

A form Answer and a form Answer with Counterclaim or Crossclaim are available as downloadable forms on the Court's website under the "Self-Representation" tab or upon request in paper format. Use the form Answer if you do not have or do not intend to file a claim for relief against the plaintiff. Use the form "Answer with Counterclaim or Crossclaim" if you intend to answer the Complaint against you and you also want to assert your own claim or claims against the plaintiff (claims asserted by a defendant against a plaintiff are called "counterclaims") or against another defendant (called a "crossclaim"). If you have a counterclaim, you must file a counterclaim or else you will lose the right to assert your claim(s) at a later date. See Rule 13 of the Federal Rules of Civil Procedure.

The defendant must mail a copy of every document that s/he files with the Court to the plaintiff's attorney or the plaintiff (if the plaintiff is self-represented) and to any additional parties involved in the case. The defendant must attach a Certificate of Service to these documents. Just as the defendant is required to respond to the plaintiff's Complaint, the plaintiff or crossclaim defendant is also required to respond to any counterclaim or crossclaim filed by the defendant. See Rule 12 of the Federal Rules of Civil Procedure for the required deadlines for these responses.

Whether you are a defendant served with a Complaint, a plaintiff served with a counterclaim, or a defendant served with a crossclaim, do not delay in filing your response. When a party does not file a timely Answer or other response with the Court, the opposing party may ask the Clerk of Court to enter a default which may result in the entry of a judgment by the Court against the party who failed to answer or otherwise respond.

REQUIREMENT TO FILE A DIVERSITY DISCLOSURE STATEMENT

Diversity of citizenship is when parties on opposing sides of a lawsuit are citizens of different states.

All parties in diversity cases must identify their citizenship by filing a disclosure statement with their first appearance in a case. If your citizenship information changes at any point during the pendency of your case, you must file a supplemental disclosure statement updating your citizenship information with the court. See Rule 7.1(a)(2) of the Federal Rules of Civil Procedure and Local Rule 7.1(a)(2).

A form Diversity Disclosure Statement is available as a downloadable form on the Court's website under the "Self-Representation" tab or upon request in paper format.

CERTIFICATE OF SERVICE

A Certificate of Service is a statement identifying who was served, at what address(es), when they were served and the method of service. A certificate of service is proof that copies of documents for filing have been sent to the opposing party or the opposing party's attorney.

Note: A certificate of service is only required for service of documents on parties who do not receive filings electronically via the Court's electronic case filing system (ECF) or when serving sealed documents on all parties. A certificate of service is not applicable to the filing of the Complaint. Service of the Complaint is a separate process entirely. For more information regarding service of the Complaint. See Appendix A, Guidance Concerning Service of Process. Certificates of service apply to documents filed with the Court after service of the Complaint has been made on the defendant(s). See Federal Rule of Civil Procedure 5 for more information regarding service of documents filed with the Court.

Service of Public Documents versus Service of Sealed Documents

Whenever a public (non-sealed) document is filed using the Court's electronic case filing system (ECF), the ECF system, will automatically generate and send a Notice of Electronic Filing (NEF) to all participants in the case who are registered for electronic case filing. All registered participants will be able to click on a link contained in the NEF to view the actual PDF document(s) that have been filed. In this instance, service is being made electronically via the Court's ECF system. Any case participants who are not registered for the Court's ECF system will need to be served another way.

Whenever a sealed document is filed, the Court's electronic case filing system (ECF), will automatically generate and send a Notice of Electronic Filing (NEF) to all participants in the case who are registered for electronic filing. The NEF will alert participants that a sealed filing has been made but participants will not be able to view the actual sealed PDF document(s) that has been filed. Service of sealed documents will need to be made by another way.

AMENDING PLEADINGS

After a party files a pleading consisting of a Complaint, Answer, counterclaim or crossclaim, there is an opportunity to amend the pleading. See Rule 15 of the Federal Rules of Civil Procedure. The scheduling order issued in your case will provide you with more information.

ELECTRONIC FILING

You must be filing a new case or be named as a party in an existing pending case to register for electronic filing. You may register for electronic filing by submitting a completed Registration Form. Persons interested in electronic filing should refer to Appendix B, Guidance for Electronic Filing in the District of Maine.

SCHEDULING ORDERS

After all of the defendants have entered their appearances, either by filing an Answer or a Motion, the Court will issue a Scheduling Order. If a defendant files a Motion to Dismiss the Complaint, the Court will ordinarily decide that motion before issuing a scheduling order. The Scheduling Order will set deadlines for completing different stages of the case. The Scheduling Order will also ordinarily specify deadlines for amending the pleadings, conducting discovery, and being ready for trial.

If you are concerned about your ability to comply with deadlines contained in the Scheduling Order, you should consult with the other parties (if they are represented, you will need to consult with their attorney) to see if they will agree to a modification of the schedule. If they all agree, you should file a motion requesting a modification of the schedule indicating to the Court that the parties are in agreement. Make sure to specify the new deadlines or other modifications you are requesting. If one of the parties does not agree, you should indicate that in your motion requesting a modification of the schedule.

MOTIONS

A Motion is a written request filed by any party in the case who wants to ask the Court for an order directing some sort of action in the case.

A Motion form is available for download on the Court's website under the "Self-Representation" tab or upon request in paper format.

See Appendix C, Guidance for Motion Practice in the District of Maine for more information regarding motion practice.

CONDUCTING DISCOVERY

Discovery is the process of obtaining case-related information from the opposing party or from non-party witnesses. Discovery is allowable in most civil cases but not in Social Security appeals. The process of discovery is governed by Rules 26 through 37 of

the Federal Rules of Civil Procedure, as well as Local Rule 26. The Scheduling Order will contain a deadline for the completion of discovery. There are many different ways to obtain discovery. The most common ways include:

- Interrogatories (written questions to the opposing party).
- Requests for production of documents from the opposing party.
- Requests for admissions from the opposing party.
- Depositions (a recorded questioning of a party or a potential witness under oath).
- Requests to examine a person or premises or personal property if the claims in the case make such a request appropriate.

If your case involves discovery, here are some things you should know:

- The discovery process takes place between and among the parties. A litigant should not provide the Court with copies of discovery requests or responses unless an issue arises and the Court requests the materials.
- You should send the opposing party or parties discovery requests promptly after the Court issues the Scheduling Order, so the party to whom the discovery is directed has sufficient time to answer or object before the discovery deadline.
- You should respond to any discovery requests you receive. A party who does not respond to a discovery request may be subject to sanctions.
- If you object to a discovery request made of you, you should express your objection in your response to preserve your objection. A party with a discovery dispute must first confer with the opposing party in a good faith effort to resolve the issue in dispute by agreement. If that good faith effort is unsuccessful, the moving party (either the party seeking to compel production of discovery or the party seeking protection from a discovery request) must file a Request for Hearing re Discovery Dispute using the Court's form seeking a prompt hearing with a judicial officer by telephone or in person.

There are limits to how much discovery you may request from an opposing party and how much discovery may be requested of you. You will need to review the discovery section of the Federal Rules of Civil Procedure and the Scheduling Order to determine the appropriate scope of your discovery requests and responses. The discovery rules also impose affirmative responsibilities on the parties to disclose certain information without being asked for it. Again, you must consult the Rules and you may also need to consult related case law to understand your discovery responsibilities. Failure to comply with disclosure or discovery requirements during the discovery process may expose you to sanctions, including a sanction that precludes you from using non-disclosed evidence or exhibits at a later hearing or trial.

If you believe your case also requires someone other than your opponent to provide testimony or produce documents or tangible things, you should also review Rules 34(c) and 45 of the Federal Rules of Civil Procedure, and any related law, to understand the process for obtaining discovery from third parties.

In the event you and another party to the case cannot agree about disclosures and discovery, you may ask the Court to resolve the dispute. Sometimes the party seeking discovery will want to ask the Court to order the other party to produce something that has been withheld in discovery. Sometimes the party seeking to withhold something sought by the other party will want to ask the Court to issue a protective order relieving the party of their responsibility obligation to respond. In either case, the parties must confer in good faith to attempt to resolve their dispute before seeking relief from the Court. If the parties cannot resolve their dispute, then typically a magistrate judge will preside over an informal telephonic discovery conference to resolve the dispute. A party must use this informal process initially, and must not file a motion seeking discovery-related relief. See Local Rule 7(a). If the presiding Judge concludes that the dispute cannot be resolved through an informal discovery conference, the Judge may order that the matter proceed through formal motion practice.

HEARINGS AND TRIALS

A "hearing" is a formal proceeding in which the parties are heard by a judge concerning the facts and law that apply to an important issue in the case. A hearing may be limited to oral argument concerning the facts and law presented in motion papers, or a hearing may be a proceeding at which the parties introduce witness testimony and documents for the judge's consideration.

The most common pretrial hearing in a civil case is a hearing on a Motion for Summary Judgment. In this District, a Motion for Summary Judgment is governed by special rules that require the parties to present the facts in support of their case through paper filings called statements of material facts, along with supporting documents like affidavits and exhibits. These requirements are outlined in Local Rule 56. Typically, if the parties request a hearing on a Motion for Summary Judgment, the Court will hold a hearing to allow the parties to present oral argument in support of or in opposition to a Motion for Summary Judgment, but not to present evidence. If the parties do not request a hearing, and if the judge determines that a hearing is not necessary, a Motion for Summary Judgment may be decided solely based on the paper record.

A "trial" is the most formal kind of hearing. Trials may be a "jury trial", meaning a jury will resolve any factual disputes between the parties, or a "bench trial," meaning the judge will resolve any factual disputes. A trial typically begins with the parties providing their opening statements. Thereafter, the parties are required to present the case by calling witnesses to the stand, asking them questions, and presenting them with exhibits so the exhibits can be introduced and admitted for the judge and/or jury to review. A trial may involve only a single witness or it may involve many witnesses. The plaintiff will proceed first, followed by the defendant. Sometimes the plaintiff will reserve the opportunity to call one or more rebuttal witnesses in response to the defendant's presentation. If the case involves a bench trial, then after the parties have completed their presentations the judge will provide an opportunity for each side to give a closing argument and will either make a ruling in open court or may instead take the matter under advisement and issue a written decision. If the case involves a jury trial, then after the parties have completed their

presentations the judge will instruct the jury on the law, after which the parties will give their closing arguments to the jury, and the jury will then deliberate in private to reach its verdict.

Many different issues can arise in the context of a trial. Some issues are addressed before the start of a trial, such as the selection of the jury in a jury trial, the exchange of witness and exhibit lists, and the potential resolution of evidentiary disputes through "Motions in Limine." Other issues may arise during a trial, such as issues over the proper examination of witnesses, evidentiary objections, and motions for judgment as a matter of law. Still more issues can arise at the conclusion of the trial process, such as post-trial motions, bills of costs, and the filing of appeals after the entry of judgment. Except as outlined below, these issues are beyond the scope of this packet. Thus, you should consider carefully what the Federal Rules of Civil Procedure, the District of Maine Local Rules, the Federal Rules of Appellate Procedure, and any applicable law may require of you so that you do not accidently waive any of your rights during or after trial.

POST-JUDGMENT PROCEEDINGS

Once all issues in the case have been determined, the Clerk's Office will enter the Court's "Judgment" in accordance with Rule 58 of the Federal Rules of Civil Procedures. At this time the case in the District Court will be closed and the prevailing parties may pursue their costs, while parties dissatisfied with the resolution of the case may pursue an appeal.

BILL OF COSTS

The party that ultimately wins a lawsuit may be awarded certain costs of litigation. These costs are assessed by the Clerk of Court and must be paid by the losing party. If the plaintiff wins the case, a Bill of Costs form may be completed and filed against the defendant(s). However, if the plaintiff loses, the defendant(s) may complete and file a Bill of Costs form against the plaintiff. These costs, which are explained more fully at 28 U.S.C. § 1920 and Local Rule 54.3, include expenses such as deposition(s), printing, witness fees, and other costs. Even if the plaintiff was initially granted leave to file their case without

the prepayment of fees and costs, costs may be assessed against the plaintiff if the defendant prevails. To obtain more information, review the District of Maine's Guidelines for Filing Bills of Costs.

APPEAL

If you intend to appeal the decision or verdict of the judge or jury, you should carefully review the Federal Rules of Appellate Procedure (Fed. R. App. P.). There is a deadline for filing a "Notice of Appeal." See Fed. R. App. P. 4.

If a party believes a jury verdict or decision rendered by the Court was incorrect, and they file an appeal, the appeal will be decided by the United States Court of Appeals for the First Circuit in Boston, Massachusetts. An appeal of a decision is commenced by completing and filing a Notice of Appeal form with this Court. The Notice of Appeal should contain a description of the party or parties filing the appeal, a description of the judgment or order or the part of the order that you wish to dispute. If more than one party wishes to appeal the decision or verdict, each party must file a separate Notice of Appeal.

There is a fee for filing a Notice of Appeal unless the person filing the appeal has already been granted leave to proceed without prepayment of fees and costs. A party who has previously been granted such leave need not file a new motion to proceed without prepayment on appeal, unless the District Court certifies that the appeal was not taken in good faith, See Fed. R. App. P. 24(a)(3).

FORMS

Several forms are referenced in this packet. In addition to the forms provided by the District of Maine, the Administrative Office of the U.S. Courts has created a number of forms, including some specialized forms for certain types of cases. The Administrative Office's forms can be found at http://www.uscourts.gov/forms/pro-se-forms

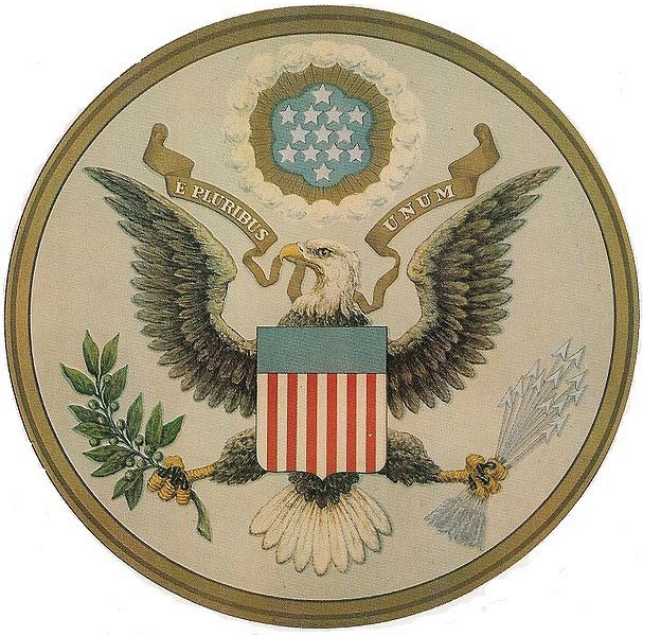
When using forms, keep in mind the following:

1. **Not Legal Advice.** No form provides legal advice. No form substitutes for having or consulting a lawyer. If you are not a lawyer and are suing or have been sued, it is best to have or consult a lawyer if possible.
2. **No Guarantee.** Using a form as a guide does not guarantee that any pleading is legally or factually correct or sufficient.
3. **No More Than a Template.** Forms offer a template for you to use to file documents in the format that lawyers and judges are accustomed to using. However, the core content will have to come from you, as the forms do not provide examples of, for example, how to set forth the elements of a legal claim in a Complaint, or how to brief the merits of an issue in a motion or respond to a motion. To create this content, you will need to set forth the facts and the law and explain why they lead to the relief you are requesting.
4. **No Guidance on Timing or Parties.** The forms do not give any guidance on important issues like deadlines or which parties should be included. For example, a form Complaint will not advise you of any applicable statute of limitation or any process you may need to go through before filing a Complaint, such as in an administrative forum. Nor will a form Complaint advise you about who is the proper defendant to assert a particular claim against, if the law requires a particular choice.
5. **Privacy Requirements.** Remember that Rule 5.2 of the Federal Rules of Civil Procedure requires that every participant in a case that files a document with the Court, has to protect the privacy and security concerns of themselves and others when filing documents that will be accessible on the public docket. Under this Rule, documents filed with the Court **should not contain** any person's full social-security number or full birth date; the name of a person known to be a minor; or a complete financial-account number. A filing may include only the last four digits of a social-security number and taxpayer identification number; the year of someone's birth; a minor's initials; and the last four digits of a financial-account number.

APPENDIX A

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE



GUIDANCE CONCERNING SERVICE OF PROCESS

Jennifer P. Lyons, Clerk of Court

February 2026

This information is intended as an informative and practical resource. It cannot take the place of an attorney's legal advice, nor will it answer all of your questions about what you need to do to serve a defendant or crossclaim defendant with process.

All parties facing legal action against them must be notified.

"Service of process" involves serving the defendant(s) with a copy of the complaint and is the procedure that officially notifies the defendant(s) that a lawsuit has been filed.

This section will explain:

- How to notify the defendant(s) that a lawsuit has been filed.
- When the court will assist with service.

- **Is there a time limit for serving the complaint?**

Yes. Federal Rule of Civil Procedure 4 establishes a time limit of 90 days following the filing of the complaint with the court for service to be made on the defendant(s). See Rule 4 of the Federal Rules of Civil Procedure for more information.

If you do not meet this deadline, the court may dismiss all claims against any party who has not been timely served.

- **Who is responsible for serving the complaint? Will the court assist me with making service?**

If…	Then…
You applied for leave to proceed without prepaying the filing fee and your application was granted	The Clerk's Office will arrange for service of the complaint on the defendant(s). However, service may not be carried out right away because complaints filed by persons proceeding without prepayment of the filing fee are subject to a mandatory screening process (pursuant to 28 U.S.C. § 1915(e)(2)), and that process can delay service. Service will not proceed until the judge issues an Order for Service.
You have paid the filing fee	You are responsible for coordinating service of the complaint on the defendant(s). See Rule 4(c) of the

	Federal Rules of Civil Procedure for more information regarding service.

- **I paid the filing fee and am therefore responsible for service. How do I go about serving the defendant(s)?**

A Summons is a form prepared by the plaintiff(s) and issued by the court that informs a defendant(s) that he/she is being sued and has a certain number of days to respond to the complaint. There are specific rules that must be followed as to who may serve a summons.

You may be able to serve the defendant(s) by waiver of service, but only if the defendant(s) agree.

It is critical that service of the complaint be made exactly the way the law requires. If the complaint is not served properly on the opposing party, it could be subject to dismissal by the court.

The below sections will explain how to request the defendant(s) to waive service and how to get a summons issued by the court.

WAIVER OF SERVICE

- **What is a waiver of service?**

A waiver of service of summons means that a party voluntarily enters a lawsuit without requiring the opposing party to officially serve them with a summons. Waiving service means agreeing to give up the right to service in person and instead accepting service by mail.

- **What are the benefits to waiving service?**

One benefit to the plaintiff(s) is avoiding the cost and/or inconvenience of having the summons served in person on the defendant(s).

One benefit to the defendant(s) is that they will have more time to answer the complaint. When service is made by summons, the answer is due within 21 days of service. However, when service is waived, the answer is

due within 60 days from the date the waiver was sent to the opposing party.

- **May I get the defendant(s) to waive service?**

You may ask for a waiver of service from any party ***except***

- A minor or incompetent person.
- The United States government, its agencies, corporations, officers, or employees.
- A foreign, state, or local government. See Rule 4 of the Maine Rules of Civil Procedure.

- **How do I request that the defendant(s) waive service?**

To request waiver of service from the defendant(s), you will need two forms, which you can obtain from the Clerk's Office or download from the Court's website:

- Notice of Lawsuit and Request to Waive Service of Summons form, and
- Waiver of Service of Summons form.

To request a waiver of service, complete and send the above-listed two forms to the defendant(s) by first-class mail, along with a copy of the complaint and supporting documents filed with the court. See Rule 4(d) of the Federal Rules of Civil Procedure for more information regarding waiver of service.

Note:

When completing the Notice of Lawsuit and Request to Waive Service of Summons Form, you will need to input on the form a time frame for the defendant to return to you the signed waiver form (if he/she elects to agree to waive service).

When completing the Waiver of Service of Summons Form, you will need to input the date the waiver was sent. This is the date that you place your completed request to waive service paperwork in the mail to the defendant.

- **What do I do if a defendant agrees to waive service and sends me back the signed Waiver of Service of Summons Form?**

If you receive a signed waiver of service form, you do not need to do anything further to serve that defendant. Make a copy for your records and file the original waiver of service form with the Court.

- **What if I requested a waiver of service and the form was not sent back?**

If a defendant does not return a signed waiver of service form by the due date you will need to arrange to serve that defendant by one of the other means approved by Rule 4 of the Federal Rules of Civil Procedure.

SERVICE BY SUMMONS

- **How do I submit a summons to the Clerk's Office for Issuance?**

In order to serve the complaint, you must first get a Summons "issued" by the Clerk's Office. The Clerk's Office "issues" the summons by affixing the date and seal of the court. The form entitled "Summons in a Civil Action" is available in paper form at the Clerk's Office or electronically on the Court's website here.

Note: Before you may serve the summons, it must be issued by the Clerk's Office. Before submitting the summons to the Clerk's Office for issuance you must prepare the summons by completing the upper portion of the form (everything above the date and signature of the Clerk lines needs to be completed before the Clerk's Office will issue the summons). If your complaint names more than one defendant, you must prepare a separate summons form for each defendant.

If...	Then...
You file in paper form (not registered for Electronic Filing)	Prepared summons(es) may be submitted to the court for issuance in paper form in person or by mail
You are registered for Electronic Filing	Prepared summons(es) may be submitted to the court for issuance by email to

	MaineECFIntake@med.uscourts.gov or may be submitted to the court in paper form in person or by mail

The Clerk's Office will not issue any summons(es) until the filing fee has been paid or until an Order for Service has been entered if you have been granted leave to proceed without prepayment of fees or costs.

- **Who may serve the summons?**

See Rule 4(c)(2) of the Federal Rules of Civil Procedure for information regarding who may make service of the summons.

- **What documents do I include with the Summons?**

You are required include a copy of your complaint and any supporting documents filed with the court.

SERVICE ON THE UNITED STATES, ITS AGENCIES, OFFICERS OR EMPLOYEES

- **How do I serve the United States, its agencies, officers or employees?**

Service may be made by Summons sent by certified mail (return receipt required). Service needs to be made upon the U.S. Attorney for the district where the action is brought; the Attorney General of the United States; and the agency, corporation, officer, or employee in accordance with Federal Rule of Civil Procedure 4(i).

- **What documents do I include when making service by certified mail upon the United States, its Agencies, Corporations, Officers, or Employees?**

You are required to serve a copy of a Summons that has been issued by the Clerk of Court, along with a copy of your complaint and any supporting documents filed with the court.

Note: A separate summons is required for each entity referenced above (U.S. Attorney/Attorney General/Agency).

- **What do I do when I get the certified mail return receipts?**

Once you have received the certified mail return receipts showing that the summons has been delivered, you must file them with the court as proof of service upon the defendant(s).

APPENDIX B

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

GUIDANCE FOR ELECTRONIC FILING IN THE DISTRICT OF MAINE

Jennifer P. Lyons, Clerk of Court

February 2026

Bangor
(207) 945-0575

Portland
(207) 780-3356

- **What are the pros and cons of electronic filing?**

Pros:

- You may email your documents for filing, rather than going to the courthouse or paying for postage to mail your filings.
- You have until 11:59 p.m. for your documents to be electronically received by the court (as opposed to 4:30 p.m. for physical delivery of paper filings to the court).
- You will receive immediate email notification of activity and documents filed in your case instead of having to wait for paper copies to arrive in the mail.

Cons:

- There are hardware and software requirements associated with electronic filing.
- You must have an email address.
- You must have access to a Computer with Internet Access.
- Your computer must have software to convert documents from a word processor format to portable document format (PDF).

Note: All documents for filing are to be created with word processing software and then converted to PDF format. A scanner is helpful when submitting documents for electronic filing. A scanner is ONLY to be used for exhibits (documents you did not/cannot electronically prepare yourself for electronic conversion to PDF format).

- Once registered for electronic filing, you will no longer receive paper service of documents in the mail. You will be responsible for checking your e-mail to check for filings and court orders.

- **How do I start with electronic filing?**

You must be filing a new case or be named as a party in an existing pending case to register for electronic filing. You may register for electronic filing by submitting a completed Registration Form.

Pro Se Registration Form for Electronic Filing

Carefully review page 2 of the Pro Se Registration Form for Electronic Filing (see above link), which contains detailed instructions for electronic filing and conditions you must agree to abide by.

If you agree to comply with the instructions and conditions outlined in the registration form, complete the form and return the completed form to the Clerk's Office for processing.

Note: Once registered, you will not receive an Electronic Case Filing (ECF) login and password. Instead, you email your documents for filing and a member of the Clerk's Office will upload the filings to the docket.

- **Once registered, how do I receive electronic filings in my case?**

Once you are registered for electronic filing, whenever there is docket activity in your case you will receive an email. This email is a called a Notice of Electronic Filing (NEF).

The NEF will include the caption of your case and the case number. There are different scenarios you will see within the NEF:

Docket entries with a PDF document attached	Whenever a PDF document is attached to a docket entry the NEF will include a hyperlink to the document. Each docket entry with a PDF document attached is assigned a document number.
Docket entries without a PDF document attached	Certain docket entries do not have a PDF document associated with them. These are called text-only entries. For text-only entries the document number will not contain a hyperlink. Certain text-only docket entries made by the Clerk's Office are not assigned a document number, such as the resetting of deadlines.

Note regarding docket entries with PDF documents attached: You are permitted one "free look" at each PDF document by clicking on the associated document number embedded within the NEF. Any subsequent viewing of the document will be subject to PACER fees. See the FAQ *Is there a way to look up my case without going to the courthouse* for more information regarding PACER. There is a time limit associated with your one free look. You must view the document within 15 days of receipt of the NEF. After 15 days you will lose your one free look. To avoid fees, the best practice is to save and/or print the document immediately after accessing your one free look.

- **Are there certain documents I will be unable to receive electronically?**

Yes. Certain docket entries may be restricted or sealed. An NEF will still be generated to alert you to the docket activity but will contain language that the document is sealed from public view or that access to the document is restricted to case participants only. You will not be able to retrieve these kinds of filings electronically. You will instead be served in paper form.

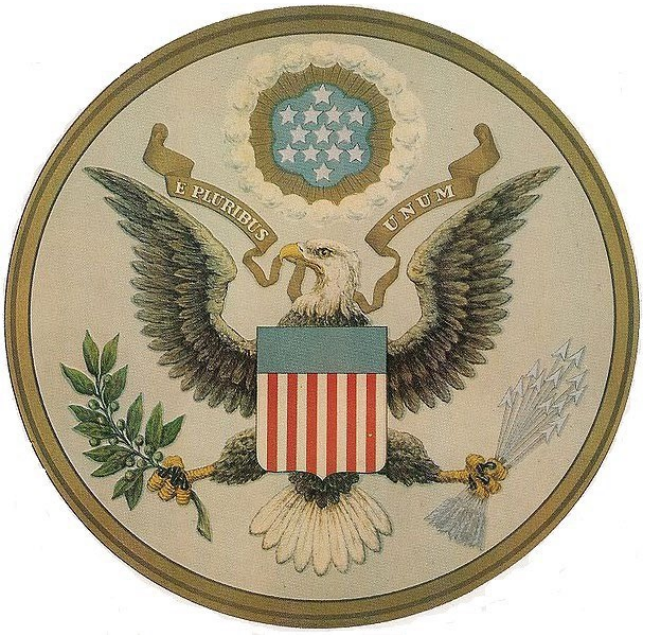
- **What if I no longer wish to be an electronic filer?**

A termination request must be made in writing. The termination request may be filed via email to MaineECFIntake@med.uscourts.gov or may be filed in paper form with the Clerk's Office.

APPENDIX C

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE



GUIDANCE FOR MOTION PRACTICE IN THE DISTRICT OF MAINE

Jennifer Lyons, Clerk of Court

February 2026

Bangor
(207) 945-0575

Portland
(207) 780-3356

- **What is a motion and how do I make or respond to one?**

A motion is a written request filed by any party to a lawsuit asking the judge for some sort of action in the case. Motions are the primary way to ask the court to act in a case.

Local Rule 7 – Motions and Memoranda of Law – also provides detailed information regarding motion practice.

Every motion should include the case caption, the specific action requested (what you want the court to do) and the reason for the request. Motions must be submitted separately from other filings and contain the word "motion" in the title. The motion should incorporate a memorandum of law, which is a brief written summary in support of your request. If you are arguing a legal matter, you should include citations to supporting authorities, such as rules, statutes (laws), or case law that supports your position.

There are two types of motions, dispositive and non-dispositive.

Dispositive Motions	A dispositive motion asks to resolve entirely one or more claims in the case. The most common types of dispositive motions are motions to dismiss and motions for summary judgment. Dispositive motions and responses to dispositive motions are limited to 20 pages. Replies to dispositive motions are limited to 7 pages.
Non-Dispositive Motions	Non-Dispositive motions are all other motions filed during the course of the case. Common examples are motions to extend time to file documents and motions to exceed page limits. Non-Dispositive motions and responses to Non-Dispositive motions are limited to 10 pages. Replies to Non-Dispositive motions are limited to 7 pages.

Note: You do not need to make a motion for clerical things such as changing your address on the docket or requesting copies. Motions can

delay resolution of your case and divert the attention of the parties and the court from preparing for trial.

- **How do I respond or reply to a motion?**

The party who files a motion is called the moving party. A party who does not want the motion to be granted is called the opposing party. The Local Rules establish time frames for the opposing party to respond to a motion and for the moving party to file any reply. Like a motion, the response must have an attached memorandum of law with citations to any supporting authorities, such as rules, statutes (laws), or case law that supports your position. *See* Local Rule 7 – Motions and Memoranda of Law for more detailed information regarding motion practice.

Response	When a motion is filed by a moving party the opposing party has 21 days from the date the motion was filed with the court to file any response to the motion. If no response is filed within the 21 days, the opposing party is deemed to have waived objection.
Reply	Once the response is received by the Court, the filer of the motion will have 14 days to file any reply. The reply is the final filing permitted before the motion is submitted to the judge for consideration.

- **What if I need more time to file something?**

If you need additional time to file a document, you must file a written motion with the court. Requests for more time may not be made verbally in person or over the phone. It is important to file your written motion before the current due date for the document expires.

- **If there is a deadline set in my case and I have requested an extension, but the motion has not yet been ruled on, what should I do?**

If your motion to extend time was received and filed by the court, then you are protected from making the filing that is the subject of your motion until your motion to extend time is ruled on by the judge.

- **How long will it take to get a ruling on my motion?**

The Clerk's Office is unable to predict or advise on when rulings will be made by the judge.