UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

_____,

Plaintiff,

v. Civil No. _____

COMMISSIONER OF SOCIAL SECURITY, Judge _____

Defendant.
_____/

COMPLAINT FOR JUDICIAL REVIEW OF SOCIAL SECURITY DECISION

Plaintiff states:

1. Plaintiff is a resident of the County of _____ and the State of _____, with a Social Security number of _____.

2. Plaintiff complains that the Commissioner's final decision dated _____ adversely affects plaintiff in whole or in part. Attached is the Commissioner's final decision notifying plaintiff of a right to sue, which bears the following caption:

_____	_____
Name of Claimant	Claim for (Disability, Survivor's Benefits, Etc.)
_____	_____
Name of Wage Earner	Wage Earner's Social Security Number

3. Plaintiff has exhausted administrative remedies in this matter and this court has jurisdiction for judicial review pursuant to 42 U.S.C. § 405(g).

WHEREFORE, plaintiff seeks judicial review by this court and the entry of a judgment for such relief as may be proper, including costs.

Dated: _____

_____
Plaintiff's Signature

_____
Street Address

_____
City, State, Zip Code

_____
Telephone Number

_____
E-mail Address

NOTE TO PLAINTIFF:

You may attach additional pages to provide the Court any additional information in support of your complaint.

Attach to this form a copy of the final determination you received from the Commissioner of Social Security, notifying you of your right to sue.

Additional Information:

Plaintiff's Signature

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

County in which action arose _____

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

❒ 1 U.S. Government Plaintiff

❒ 2 U.S. Government Defendant

❒ 3 Federal Question *(U.S. Government Not a Party)*

❒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	❒ 1	❒ 1	Incorporated *or* Principal Place of Business In This State	❒ 4	❒ 4
Citizen of Another State	❒ 2	❒ 2	Incorporated *and* Principal Place of Business In Another State	❒ 5	❒ 5
Citizen or Subject of a Foreign Country	❒ 3	❒ 3	Foreign Nation	❒ 6	❒ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT

❒ 110 Insurance
❒ 120 Marine
❒ 130 Miller Act
❒ 140 Negotiable Instrument
❒ 150 Recovery of Overpayment & Enforcement of Judgment
❒ 151 Medicare Act
❒ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
❒ 153 Recovery of Overpayment of Veteran's Benefits
❒ 160 Stockholders' Suits
❒ 190 Other Contract
❒ 195 Contract Product Liability
❒ 196 Franchise

REAL PROPERTY

❒ 210 Land Condemnation
❒ 220 Foreclosure
❒ 230 Rent Lease & Ejectment
❒ 240 Torts to Land
❒ 245 Tort Product Liability
❒ 290 All Other Real Property

TORTS

PERSONAL INJURY
❒ 310 Airplane
❒ 315 Airplane Product Liability
❒ 320 Assault, Libel & Slander
❒ 330 Federal Employers' Liability
❒ 340 Marine
❒ 345 Marine Product Liability
❒ 350 Motor Vehicle
❒ 355 Motor Vehicle Product Liability
❒ 360 Other Personal Injury
❒ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
❒ 365 Personal Injury - Product Liability
❒ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
❒ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
❒ 370 Other Fraud
❒ 371 Truth in Lending
❒ 380 Other Personal Property Damage
❒ 385 Property Damage Product Liability

CIVIL RIGHTS

❒ 440 Other Civil Rights
❒ 441 Voting
❒ 442 Employment
❒ 443 Housing/ Accommodations
❒ 445 Amer. w/Disabilities - Employment
❒ 446 Amer. w/Disabilities - Other
❒ 448 Education

PRISONER PETITIONS

Habeas Corpus:
❒ 463 Alien Detainee
❒ 510 Motions to Vacate Sentence
❒ 530 General
❒ 535 Death Penalty

Other:
❒ 540 Mandamus & Other
❒ 550 Civil Rights
❒ 555 Prison Condition
❒ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY

❒ 625 Drug Related Seizure of Property 21 USC 881
❒ 690 Other

LABOR

❒ 710 Fair Labor Standards Act
❒ 720 Labor/Management Relations
❒ 740 Railway Labor Act
❒ 751 Family and Medical Leave Act
❒ 790 Other Labor Litigation
❒ 791 Employee Retirement Income Security Act

IMMIGRATION

❒ 462 Naturalization Application
❒ 465 Other Immigration Actions

BANKRUPTCY

❒ 422 Appeal 28 USC 158
❒ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS

❒ 820 Copyrights
❒ 830 Patent
❒ 840 Trademark

SOCIAL SECURITY

❒ 861 HIA (1395ff)
❒ 862 Black Lung (923)
❒ 863 DIWC/DIWW (405(g))
❒ 864 SSID Title XVI
❒ 865 RSI (405(g))

FEDERAL TAX SUITS

❒ 870 Taxes (U.S. Plaintiff or Defendant)
❒ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES

❒ 375 False Claims Act
❒ 400 State Reapportionment
❒ 410 Antitrust
❒ 430 Banks and Banking
❒ 450 Commerce
❒ 460 Deportation
❒ 470 Racketeer Influenced and Corrupt Organizations
❒ 480 Consumer Credit
❒ 490 Cable/Sat TV
❒ 850 Securities/Commodities/ Exchange
❒ 890 Other Statutory Actions
❒ 891 Agricultural Acts
❒ 893 Environmental Matters
❒ 895 Freedom of Information Act
❒ 896 Arbitration
❒ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
❒ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

❒ 1 Original Proceeding ❒ 2 Removed from State Court ❒ 3 Remanded from Appellate Court ❒ 4 Reinstated or Reopened ❒ 5 Transferred from Another District *(specify)* ❒ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

❒ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ❒ Yes ❒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☐ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☐ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

* **Enter the county in which the action arose.**

I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked**.** (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. **Origin.** Place an "X" in one of the six boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

New Lawsuit Check List

Instructions: Put a check mark in the box next to each appropriate entry to be sure you have all the required documents.

☐	Two (2) completed **Civil Cover Sheets.**	CLERK TO AFFIX CASE ASSIGNMENT LABEL HERE
☐	Enter the number of defendants named in your lawsuit in the blank below, add 2 and then enter the total in the blank. _____ + 2 = _____ **Complaints.** # of Defendants Total Received by Clerk: _____ Addresses are complete: _____	
☐	If any of your defendants are **government agencies**: Provide two (2) extra copies of the **complaint** for the U.S. Attorney and the Attorney General.	

	If Paying The Filing Fee:		**If Asking That The Filing Fee Be Waived:**
☐	Current new civil action filing fee is attached. Fees may be paid by check or money order made out to: ***Clerk, U.S. District Court*** Received by Clerk: _____ Receipt #:_____	☐	Two (2) completed **Application to Proceed in District Court without Prepaying Fees or Costs** forms. Received by Clerk: _____

Select the Method of Service you will employ to notify your defendants:

	Service via Summons by Self		**Service by U.S. Marshal** (Only available if fee is waived)		**Service via Waiver of Summons** (U.S. Government cannot be a defendant)
☐	Two (2) completed **summonses** for each defendant including each defendant's name and address. Received by Clerk: _____	☐	Two (2) completed **USM – 285 Forms** per defendant, if you are requesting the U.S. Marshal conduct service of your complaint. ☐ Two (2) completed **Request for Service by U.S. Marshal** form. Received by Clerk: _____	☐	You need not submit any forms regarding the Waiver of Summons to the Clerk. <u>Once your case has been filed, or the Application to Proceed without Prepaying Fees and Costs has been granted</u>, you will need: • One (1) **Notice of a Lawsuit and Request to Waive Service of a Summons** form per defendant. • Two (2) **Waiver of the Service of Summons** forms per defendant. Send these forms along with your filed complaint and a self-addressed stamped envelope to each of your defendants.

Clerk's Office Use Only

Note any deficiencies here: