

***Attorney Guide for Opening a
Civil and Miscellaneous Case -
Filing a Complaint or Other Case Initiating
Document***

Eastern District of Texas

April 2024

INTRODUCTION

You must open your own public civil case and electronically file (e-file) the initial pleading.¹ You may pay the filing fee online with a credit card or indicate that the case is being filed in forma pauperis or the filing fee is waived. You may also now open your own miscellaneous case. You must submit sealed civil and miscellaneous case initiating documents to the clerk in paper.

You must complete the **entire** process at one time – open the case and file the initial pleading. Even if you make an error during case opening, including while entering parties, if you can get the case opened and docket an event to it, do not open another case for the same initial pleading. (The clerk will assist you by correcting the errors within one business day.)

As docketing uses your browser's cookies to store filing information, **do not** click the back button once you have been redirected to the Pay.gov site to enter your payment information. Doing so and proceeding forward again could result in the loss of all the data entered in prior screens or your credit card being charged twice. If double-billing occurs, please send an email to Finance@txed.uscourts.gov and include 1) the case number, 2) date of transaction, 3) receipt number, 4) amount paid, and 5) name of the remitting attorney or firm.

FILING SUMMARY

- 1) Open case with attached complaint and civil cover sheet or other case initiating document. If you file the initial document with an accompanying Motion to Proceed Informa Pauperis, do not file the motion/application to proceed in forma pauperis as an attachment to the case initiating document. You must file the motion/application to proceed informa pauperis as a separate document using the appropriate motion event.
- 2) Email the summons to the appropriate clerk's office as a PDF document. The case number must be clearly noted on the summons. The email addresses are listed below:

Tyler	newcasetyl@txed.uscourts.gov
Beaumont	newcasebmt@txed.uscourts.gov
Marshall	newcasemsh@txed.uscourts.gov
Lufkin	newcaseluf@txed.uscourts.gov
Sherman	newcaseshm@txed.uscourts.gov
Texarkana	newcasetxk@txed.uscourts.gov

- 3) The summons will be returned to you via email.

¹ Local Rule CV-4

CASE OPENING INSTRUCTIONS

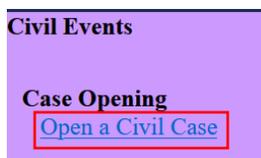
Electronic civil and miscellaneous case opening is a two-part process: 1) enter the case data, and 2) file the initiating documents. This guide describes the procedures for opening a new civil and miscellaneous case in CM/ECF in the U.S. District Court, Eastern District of Texas.

Part1: Enter the Case Data

1. Once you are logged into CM/ECF via your PACER credentials to e-file, click the **Civil** option from the main menu.



2. Click **Open a Civil Case** under Case Opening.



3. A screen will appear asking what type of case you are filing. Make a selection and then click **Next**.

A screenshot of the 'Open a Civil Case' form. The title 'Open a Civil Case' is at the top. Below it, the question 'What type of case are you filing?' is displayed. There are two radio button options: 'Civil (cv)' (selected) and 'Miscellaneous (mc)'. Below each option is a list of example case types. At the bottom, there are 'Next' and 'Clear' buttons. The 'Next' button is highlighted with a red box.

4. You will receive a notice that if you open a case, you must be prepared to docket your complaint or case initiating document. If you are prepared to go forward, click **Next**.
5. You will then receive a reminder that you are required to file a disclosure statement pursuant to Fed.R.Civ.P. 7.1(a)(1) and/or (2) and instructing you what event to use when docketing. Click **Next**.
6. The next screen lets you know how to properly assign a case number (Office and Case type: cv or mc). Click **Next**.
7. Enter the requested data: Office (select the correct division from the pull-down menu; Case type: cv or mc; ignore the Lead case number and Association type; if the case is a removal from state court, fill in the Other court name and Other court number; ignore the Related cases box even if you noted a related case on the civil cover sheet. This field is reserved for court use if the judge agrees cases are related and wishes for the clerk to set a cross-case hyperlink.

Open a Civil Case

Office Lufkin Case type cv

Date filed: 3/26/2024

Lead case number

Association type consolidated

Other court name

Other court number

JPML number

Related cases

Next Clear

Or

Open a Civil Case

Office Marshall Case type mc

Date filed: 3/27/2024

Lead case number

Association type consolidated

Other court name

Other court number

JPML number

Related cases

Next Clear

Civil (cv) Case

- Using your civil cover sheet as a guide, enter the requested data. Selections made on the case data screen are very important. If an error message appears on the screen, double-check the accuracy of the information entered, which must be corrected before case opening may continue. Click **Next**.

Open a Civil Case

When entering a Demand amount, the number entered represents the dollar amount in the thousands, up to four digits. Example: \$10,000 would be entered as 10 and \$1,000,000 would be entered as 1000. If there is no dollar amount, leave the Demand field blank.

Jurisdiction 3 (Federal Question)

Cause of action 29:0201f (29:201 Fair Labor Standards Act) Filter: Clear filter

Nature of suit 710 (Labor: Fair Standards) Filter: Clear filter

Origin 1 (Original Proceeding)

Citizenship plaintiff

Citizenship defendant

Jury demand p (Plaintiff) Class action n (No Class Action Alleged) Demand (\$000)

Arbitration code County Anderson

Fee status pd (paid) Fee date 3/26/2024 Date transfer

Next Clear

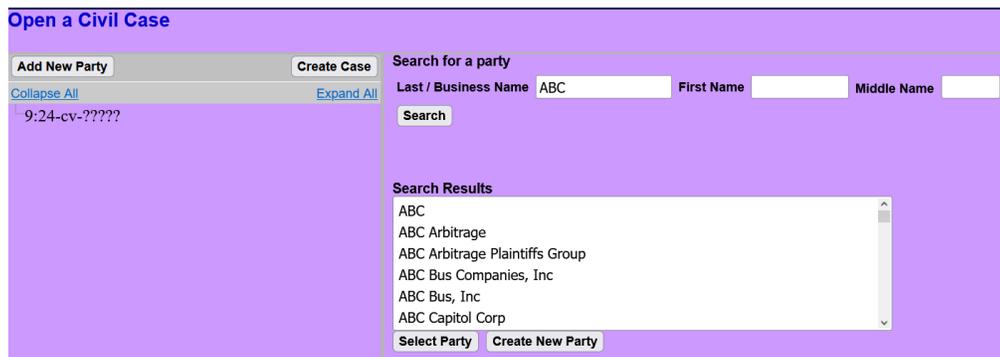
9. Adding Parties

Review the party additional standards found in Appendix A. Then search the database for existing parties. (If you add a party that already exists, the database will soon be cluttered with duplicate names, and it will become very difficult to query by name.) Begin by searching to see if the party already exists. If the party is anyone other than an individual, (e.g., company, university, municipality), enter the entire name in the Last/Business Name

field. (Type the last name or the first few letters of the last name and click the Search button.)



- If the party you searched for already exists in the database, click the party in the Search Results box and then **Select Party**.
- If you wish to search again, simply type in a new Last/Business Name and First Name and click **Search**.
- If the party does not exist in the database click **Create New Party**. Please see Appendix A for party name additional standards (e.g., do not enter party name in ALL CAPS unless the party's name is an acronym).



Complete the party information screen, but never enter an email address for the party.

- Select the Role of the party (plaintiff, defendant, etc.) and if Party text appears on the complaint (e.g., “as next friend of,” “in official capacity,”) enter it.
- If the party is represented by counsel, only enter the party's name (do not add the address).
- If you are opening a removal case, and the plaintiff is proceeding pro se, you may enter address information for the pro se plaintiff. (If you represent the plaintiff and understand the defendant is pro se, do not enter the address information since the defendant has not appeared in the case yet. The clerk will enter a pro se litigant's address if and when the party later makes a pro se appearance.)
- Click **Add Party**.

Ignore the Corporate Parent or other affiliate button. You will add the corporate parent when you file the corporate parent disclosure statement.

If the party has an alias listed on the complaint, (e.g., “formerly known as,” “doing business as,” “on behalf of”), add it now by clicking the add alias icon.



Note: If you click the Back button you will be required to re-add parties.

You will see the party's information appear on the left panel of your screen. If you want to add another party, you must search for the new party name. (If you click on the **Add New Party** button, you will notice nothing happens. ECF forces you to search for the party before you can add a new one to the database. If the role type wasn't changed and defaults to the wrong type (e.g., "dft"), click the pencil icon to edit as needed.



The interface becomes a bit intuitive at this point. The more parties you add, the longer the party list grows.



If you click on the pencil icon to edit the party screen, make the changes and click **Save Changes** button. If you decide not to make changes, click on the Start a New Search button. Clicking the Back button will require you to re-add parties.

- Once you have added all your parties, click **Create Case** button. You will be asked of if you want to proceed. Click **Yes**. The case data is now entered into CM/ECF and a case number has been assigned. Please make note of the case number. (Note: Local Rule CV-4 Attorneys must electronically file their civil complaints within 24 hours of opening the shell civil case in ECF.) You are now ready to docket the complaint.

Note: After the initiating documents (e.g., Complaint, Notice of Removal) have been filed, the Clerk’s Office will randomly assign a district judge and magistrate judge to the case. A text only notice will be docketed and the judge information will be displayed in the Notice of Electronic Filing.

Miscellaneous (mc) Case

11. You will receive a screen that helps you navigate adding parties to a miscellaneous case. Click **Next**.

Open a Civil Case

On the following screen, you will add the parties to this case. If this case relates to an underlying action from another court, use the guidance below:

Add the first named plaintiff and defendant in the underlying action.

If registering a judgment, ALSO add any additional party subject to the judgment;

If registering an appointment of receiver, ALSO add the appointee as Receiver; or

If filing a motion to quash or compel, ALSO add any Movant or Respondent, if not previously entered.

Limit attorney addition to counsel for the filer of this mc case.

Next Clear

12. Use the same guidelines listed in step 9 for how to add parties.
13. You will receive a message instructing you to use event, *Miscellaneous Case Initiating Document* to docket your case initiating documents. Click **Next**.

When docketing your case initiating document use event, *Miscellaneous Case Initiating Documents*.

Next Clear

Part II Filing Initiating Documents

1. Click the [Docket Lead Event?](#) hyperlink. You must docket the lead event.

Open a Civil Case

Case Number 24-1 has been opened.

[Docket Lead Event?](#)

2. Chose the event from the drop-down box and click **Next**
3. The case number will be displayed. Do not change this number. Click **Next** and proceed.
4. When prompted, select the filer by clicking on the party and then click **Next**. (If you forgot to add a party earlier, you can still add parties now. Simply click on **New Filer**. Repeat the party search/addition steps to add the new filer and complete the party information screen (role, party text, tec., but never add an email address.))
5. After you select the filer, you will receive a message that allows you to link yourself as the attorney for the party. Select the “lead” and “notice” options that are appropriate. Click **Next**.

6. Select the party that filing is against. You can select one party, use the Ctrl key to select additional parties, or use the radio button to select a group (e.g., All Defendants).
7. Add the complaint, removal, or other case initiating document as the Main Document by clicking Browse and navigating to the directory where your pdf document is stored. Right click on the PDF and choose to view it to ensure you are selecting the correct document. Once satisfied, click to insert or double click the file name to automatically insert it. Next, attach the appropriate Attachments to the case initiating document (e.g., a civil cover sheet to the complaint or appropriate attachments to your Notice of Removal) as instructed by Local Rule CV-81. (You must use the drop-down menu to select an attachment default name or enter a custom title (or both), however do not repeat words in both the Category and Description boxes.) Click **Next**.

Complaints and Other Initiating Documents
[9:24-cv-00001 Doe v. Doe](#)
 Select the PDF document and any attachments.

Main Document
 Browse... Test Document 3.pdf

To comply with LR CV-5(a)(6), upload each exh/attach as SEPARATE PDF & SPECIFICALLY DESCRIBE. Select a Category if desired & add more detail in Description. (Do not repeat words as all will appear in docket entry.)

Attachments	Category	Description
1. Browse... Test Document 2.pdf	Exhibit	A Remove
2. Browse... Test Document.pdf	Civil Cover Sheet	Remove
3. Browse... No file selected.		

Next Clear

Civil (cv) Case

8. Only when filing a Notice of Removal, the following screen will appear. Enter the name and court number from state court.
 Name of other court
 Case number in other court
9. Answer the question regarding “Application to Proceed Without Prepayment of Fees” and if the complaint is filed on behalf of the USA and click **Next** to continue.
10. If payment is required, be mindful of the warning to complete the event or risk having your credit card charged without record of the entry appearing in the case. After reviewing the fee amount, you will be transferred to Pay.gov to pay the filing fee. Click **Next** to continue.
11. If payment is required, complete the transaction after verifying that all the information is correct, check the authorization box and then click the Submit button ONLY ONCE. Your card maybe charged multiple times if you click more than once. You will be returned to ECF.
12. Add any text modifier to the entry as appropriate and click **Next**.

Complaints and Other Initiating Documents
[9:24-cv-00001 Doe v. Doe](#)

Docket Text: **Modify as Appropriate.**
COMPLAINT [redacted] against Jane Doe (Filing fee \$ 405 receipt number ATXEXDC-8258871.) , filed by John Doe.
 (Attachments: # (1) Exhibit A, # (2) Civil Cover Sheet) (White, Snow)

Next Clear

Miscellaneous (mc) Case

13. You will receive a selection screen for the type of miscellaneous case you are opening and if the case is filed on behalf of the USA, in conjunction with a motion to proceed In Forma Pauperis, or other. Answer the questions as appropriate and select **Next**.

Complaints and Other Initiating Documents
[2:24-mc-00001 ABC Bank v. XYZ, LLC](#)

What type of miscellaneous case are you opening?

- Motion to Quash Subpoena
- Motion to Compel (compliance with a subpoena)
- Registration of Appointment of Receiver
- Registration of Judgment From Another Court
- Request for Subpoena Under 17 USC 512 - Subpoena to Identify Copyright Infringer
- Motion to Stay, pending a bankruptcy appeal action
- Other

This case is being filed:

- On behalf of the USA
- In conjunction with a motion to proceed In Forma Pauperis
- Other

Next Clear

14. If payment is required, be mindful of the warning to complete the event or risk having your credit card charged without record of the entry appearing in the case. After reviewing the fee amount, you will be transferred to Pay.gov to pay the filing fee. Click **Next** to continue.
15. If payment is required, complete the transaction after verifying that all the information is correct, check the authorization box and then click the Submit button **ONLY ONCE**. Your card maybe charged multiple times if you click more than once. You will be returned to ECF.

Civil and Miscellaneous Cases

16. Review the final text and click the **Next** button to continue. (Even if you made an error in linkage, such as choosing the wrong filer of the complaint, if you paid the filing fee during the transaction, we recommend you accept the entry as it is and contact the Clerk’s Office to request that we correct the entry for you.)
17. Congratulations! The complaint or other case initiating document is now filed; review the Notice of Electronic Filing (NEF) on the screen.
18. If appropriate, email the summons to the appropriate division using the address shown on page 1. (You will receive it via email).
19. You may now continue to docket other filings.

Remember to follow the Filing Principles to Apply Each Time You Docket that are described in the Electronic Case Filing User's Manual:

- Use Portable Document Format (PDF) and limit each to 50 MB
- Choose the Best Docket Event Available
- If you File in a Multi-defendant Criminal Case, Spread the Entry Appropriately.
- Abide by Noted Protocols When Adding New Parties.
- Do Not Open a New Case if You Made a Mistake But Can Still Docket the Complaint.
- Link Related Documents.
- If You File a Motion, Attach a Proposed Order.
- Attach the Proposed Document as an Exhibit to the Motion for Leave to File the Document.
- Use the Notice of Electronic Filing to Determine if You Need to Manually Serve.
- If You Make a Docketing Error, Contact the Clerk's Office As Soon As Possible.

Appendix A

If unsure on how to enter a party name, please contact the Clerk's Office for guidance.

1. **Omit the word "The."**

Examples:

The Enrich Company, Inc.

Last Name Field: Enrich Company, Inc.

The City of Toledo

Last Name Field: City of Toledo

2. **Social Security Cases.** Always enter party name as Commissioner of Social Security.

Examples:

Department of Health and Human Services

Martin O'Malley, Commissioner of Social Security

Social Security Commissioner

Secretary of Health and Human Services

Last Name Field: Commissioner of Social Security

3. **John Does.** If the complaint includes numerous John Does, add as one party name. Never add the numbers, letters or roman numerals to the party name. Always add as party text.

Examples:

John Doe I-X

Last Name Field: Doe

First Name Field: John

Party Text: I-X

John Doe Police Officers 1-10

Last Name Field: Doe

First Name Field: John

Party Text: Police Officers 1-10

4. **Estates**

Example:

The Estate of John P. Sentinel by Joseph Smith

Last Name Field: Smith

First Name Field: Joseph

Party Text: Executor of the Estate of

Create Alias:

Last Name Field: Sentinel

First Name Field: James

Middle Name Field: P.

Alias Code: dec

5. Individuals with Titles

Example:

James S. Haviland, Warden of Allen Correctional Institution

Last Name Field: Haviland

First Name Field: James

Middle Name Field: S.

Party Text Field: Warden of Allen Correctional Institution

6. Unknown Names

Example:

Unknown Spouse of Kenneth M. Keller, if any

Last Name Field: Unknown Spouse, if any, of Kenneth M. Keller

7. Union Names

Example:

Building Laborers Local 310 Pension Fund

Last Name Field: Local 310 Building Laborers Pension Fund