

## **NEW LOCAL RULE 4.1 & 4.2**

The section of LR 4.1 now reads:

### **LR 4.1 Filing.**

1. The Clerk shall file a civil action only upon the presentation of: (a) the original complaint and the appropriate filing fee, or the original complaint and an In Forma Pauperis (IFP) petition (unless plaintiff has already been granted leave to proceed IFP under 28 U.S.C. § 1915 or an IFP petition has already been filed and is still pending); (b) a completed summons where service is to be effected (no summons is required where waiver of service is to be utilized); (c) copies for each defendant and the assigned Judge; and (d) a completed civil action cover sheet (Form JS-44). If any of the requirements listed in (a)-(d) is lacking, but a complaint has been presented, the Clerk shall mark the complaint as to the date filed and promptly give notice of the omission to the filing party. Failure to comply within twenty (20) calendar days of the date that notice is served by the Clerk may result in dismissal by the Court.

The rule is amended to read:

### **LR 4.1 Filing.**

1. The Clerk shall file a civil action only upon the presentation of: (a) the original complaint and the appropriate filing fee, or the original complaint and an In Forma Pauperis (IFP) petition (unless plaintiff has already been granted leave to proceed IFP under 28 U.S.C. § 1915 or an IFP petition has already been filed and is still pending); (b) a completed summons where service is to be effected (no summons is required where waiver of service is to be utilized); (c) copies for each defendant and the assigned Judge; and (d) a completed civil action cover sheet (Form JS-44). If any of the requirements listed in (a)-(d) is lacking, but a complaint has been presented, the Clerk shall mark the complaint as to the date filed and promptly give notice of the omission to the filing party. Failure to comply within twenty-one (21) days of the date that notice is served by the Clerk may result in dismissal by the Court.

All other sentences of the rules will remain unchanged. Change is in effect December 1, 2009.

---

*(Amendments to LR 4.2 continued on next page)*

The section of LR 4.2 now reads:

**LR 4.2** Effect of In Forma Pauperis Petition.

2. If the assigned Judge denies the IFP petition, the plaintiff shall have twenty calendar days from the date of service of the order denying the IFP petition to pay the appropriate filing fee. Failure to make timely payment will result in dismissal of the complaint.

The rule is amended to read:

**LR 4.2** Effect of In Forma Pauperis Petition.

2. If the assigned Judge denies the IFP petition, the plaintiff shall have twenty-one (21) calendar days from the date of service of the order denying the IFP petition to pay the appropriate filing fee. Failure to make timely payment will result in dismissal of the complaint.

All other sentences of the rules will remain unchanged. Change is in effect December 1, 2009.

---