UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

HOW TO FILE YOUR SOCIAL SECURITY SHARPE MOTION

IMPORTANT NOTICE:
Do NOT File this Motion Unless at Least 120 Days Has Elapsed Since You Requested a Hearing (Or Since Your Hearing Was Held But No Decision Has Yet Issued)

IMPORTANT: You must accurately fill out the correct number of forms and submit them to the Court. If you fill out the forms incorrectly and/or send the wrong number of forms, they will be returned to you.

Check the Western District's web site at ***www.nywd.uscourts.gov*** *for copies of many of the Court's forms and other useful information.*

I. MOTION

1. Fill out the motion form completely, supplying all requested information in the spaces provided. You will need to submit a total of four copies of the form: one for the Court, one for the respondent, one for the United States Attorney, and one for the United States Attorney General. Be sure to sign the motion. Keep one copy for your own personal file.

2. Attach a copy of the letter from the Social Security Administration advising you of your right to file this motion to each copy of the motion form.

3. Be sure to provide all docket numbers and courts of any prior federal cases regarding this claim, if any.

II. FILING FEE

In order to file the completed motion and other necessary papers, you must pay a $30.00 filing fee by personal check, money order, certified check, or official check made out to "Clerk, United States District Court". If you file in person, you may pay in cash. You may also file a motion to proceed *in forma pauperis* (as a poor person); if you qualify, you will not be required to pay the filing fee.

III. CIVIL COVER SHEET

Fill out the "Civil Cover Sheet" according to these instructions:

1(a). Print your name as Plaintiff;

1(b). Print "Commissioner of Social Security" as Defendant;

1(c). Print "Pro Se" under Plaintiff's Attorney;

1(d). Put "United States Attorney, Buffalo, New York" as Defendant's Attorney;

2. Basis for Jurisdiction: check Box No. 2: U.S. Defendant;

3. Citizenship of Principal Parties: leave blank;

4. Cause of Action: Write "42 U.S.C. § 405(g)" and "Sharpe Motion"

5. Nature of Suit: Write "Miscellaneous Civil" in the space after the words "(Put an X in one box only)." DO NOT CHECK ANY BOXES AT ALL.

6. Origin: check Box No. 1: Original Proceeding;

7. Requested in Complaint: leave blank;

8. Related Case(s) if any: if you have ever filed another federal lawsuit relating to social security benefits, write the name of the court and the docket number; and

9. Date and sign your name followed by "Pro Se" on the last line.

IV. MAILING INSTRUCTIONS

Finally, bring or mail all of the above papers to either one of the addresses below:

United States District Court Clerk
2 Niagara Square
Buffalo, New York 14202
(716) 551-1700

United States District Court Clerk
2120 U.S. Courthouse
100 State Street
Rochester, New York 14614-1387
(585) 613-4000

V. GENERAL INFORMATION

1. Except for your motion, you **must** send a copy of every legal paper that you send to the Court to the respondent's attorney as well. The Court will serve only your motion, not any subsequent papers. You may obtain a form for your affidavit/affirmation of such service from the Clerk's Office or the Western District web site.

2. You do not need to attach "exhibits" to your original motion and its copies other than a copy of the letter you received advising you of your right to file this motion because your hearing and/or determination has been unreasonably delayed. You must submit enough copies for all the copies of the motion.

3. You **must** notify the Clerk's Office and all respondents (or their attorneys) of any address changes. **Failure to do so may result in dismissal of your motion pursuant to Local Rule of Civil Procedure 5.3(d)**. The Local Rules are available on the Western District web site.

5. The Clerk of Court will not file your motion unless it conforms to these instructions and to these forms pursuant to Local Rules of Civil Procedure 5.2 and 5.3.