

How to File a Motion

A Step-by-Step Educational Guide

What is a Motion?

In a court case, a **motion** is a formal, written request that asks the judge to make a specific ruling or take a specific action. Think of it as a formal way of asking the court for permission or instruction on how to proceed with your case.

Motions are used to handle procedural issues that come up before, during, and sometimes even after a trial.

Common Types of Motions	What They Ask For
Motion for Extension of Time	Asks the judge for more time to file a document or complete a task.
Motion to Compel	Asks the judge to force the other party to provide information or evidence they are withholding.
Motion to Dismiss	Asks the judge to end the case because the other party has failed to state a legally valid claim.
Motion in Limine	Asks the judge to exclude certain evidence from being presented at trial.

The 5 Essential Steps to File a Motion

Filing a motion is a multi-step process that must be followed precisely to be successful.

Step 1: Identify and Draft the Motion

- **Identify the Need:** Clearly determine what you need the court to do (e.g., “I need more time to find a witness”).

- **Write the Motion:** The motion must state **what you want** (the relief requested) and **why you are entitled to it** (the legal or factual basis). Use a clear title, such as “Motion for Extension of Time to File Answer.”

Step 2: Gather Supporting Documents

- **Evidence:** Attach any documents, affidavits (sworn statements), or exhibits that support the facts in your motion. For example, if you are asking for more time because you were hospitalized, attach a doctor’s note.
- **Memorandum of Law (Optional but Recommended):** This is a separate document that explains the legal rules (statutes or case law) that support your request.

Step 3: File with the Court Clerk

- **The Original:** Take the original motion and all supporting documents to the court clerk’s office.
- **Filing Fee:** Be prepared to pay a filing fee, or submit a separate **Motion to Proceed In Forma Pauperis** (a request to waive the fee due to poverty).
- **Date Stamp:** Ensure the clerk **date-stamps** your copy of the motion. This is your proof that you met the deadline.

Step 4: Serve the Other Party

- **Notice is Key:** The law requires that the other party be formally notified of your request. This is called **service**.
- **Method:** You must serve a copy of the filed motion and all attachments to the opposing party (or their attorney) using a method permitted by the court rules (e.g., mail, process server).

Step 5: File the Proof of Service

- **The Final Step:** You must file a document with the court (often called a **Certificate of Service** or **Affidavit of Service**) that proves you successfully served the other party. Without this proof, the judge cannot rule on your motion.

Best Practices for Motions

- **Be Concise and Focused:** Judges have limited time. Get straight to the point.
 - **Use Respectful Language:** Maintain a professional and respectful tone throughout the document.
 - **Always Check Deadlines:** Know the deadline for filing your motion and the deadline for the other party to respond.
 - **Cite the Rule:** If possible, cite the specific court rule (e.g., “Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure...”) that allows you to make your request.
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Important Notice:

The information provided in this guide is for educational purposes only. We do not provide legal advice, legal interpretation, or attorney services, and we cannot represent anyone in court. Our goal is to help you learn, understand, and feel confident when navigating legal topics.
