

INSTRUCTIONS FOR MOTION TO DISMISS ACTION FOR FORCIBLE ENTRY AND DETAINER (EVICTION) IN WYOMING

Read these instructions carefully.

You can use this form if you are the Plaintiff in an eviction case.

Before You Get Started

If you filed a court case for Forcible Entry and Detainer (FED), and now you do not want the Court to evict the Defendant, you can use this form to ask the Court to dismiss (stop) the case.

There are many reasons a Plaintiff might ask the Court to dismiss an FED (eviction) case. Common reasons are that the Defendant already left the property or the Defendant paid all of the rent that was due.

Important Note: If the Court dismisses the case, a judge will decide whether to dismiss it *with prejudice* or *without prejudice*. If your case is dismissed *with prejudice*, you cannot file the case again on the same facts (for the same reasons).

The top of the page on the Motion to Dismiss Action.

The top of the page has blanks for the name of the county that the Court is in (for example, County of Big Horn) and the number of the judicial district (for example, Fifth Judicial District). Write the same information that you wrote on the top of the Complaint.

The next blanks are for the name of the Plaintiff and the name of the Defendant. Fill these in exactly the same way they are written on the Complaint.

The next blank is for the Case Number. Write in the same number that is on the Complaint. The Case Number might include letters.

Next you will see the title of the Motion to Dismiss Action for Forcible Entry and Detainer (Eviction). It is written between the two long bars on the page.

After the title.

The first two sentences tell the Court who you are (the Plaintiff) and why you are filing this document (because you want the case to be dismissed).

The next section is for you to explain why you want the case to be dismissed. Write your reasons on the long blank lines. Be specific to help the judge understand why you no longer want the Defendant to be ordered to leave.

The final sentence tells the Court that you want any hearings (meetings) that are already scheduled to be cancelled. Cancelling hearings is part of dismissing a case. This sentence is a reminder for you and the Defendant that hearings will not happen **if** the case is dismissed.

The Signature Section.

On the line labelled DATED, write the date you are signing the form.

Sign your name on the signature line. By signing the form, you are saying that everything you wrote on the form is true. Review your answers carefully before you sign the form.

Write in your phone number, mailing address, and email address. The Court will use this information to contact you and keep you aware of what is happening in the case.

Serving the Motion to Dismiss Action

After you file the Motion to Dismiss Action, you must also serve it to the Defendant. Because the case has already started, serving this document is less formal than serving the Notice and Complaint. You can serve the Motion to Dismiss in person (which is called delivering it by hand) or you can fax it or you can mail it.

If you know that the Defendant has an attorney (lawyer) for this eviction case, serve your Motion to Dismiss to the attorney's office.

It is important to serve the Motion to Dismiss soon after you file it. It is a good idea to serve it to the Defendant *the same day you file it*.

After you serve the Motion to Dismiss, you will fill out the Certificate of Service. Write in:

- The name of the county where you filed the Motion to Dismiss.
- The date when you delivered, faxed, or mailed the Motion to Dismiss to the Defendant.
- The information about how and where you served the Motion to Dismiss. (Use the checkboxes and the blank lines.)

Sign the Certificate of Service. Then print your name and the date when you signed it.

When the Certificate of Service is complete, take it to the courthouse and file it with the Clerk of Circuit Court. This is how you let the Court know that you gave the document to the Defendant.

Important Things You Need to Know

How will I know if the case has been dismissed?

The Court will issue an order on your motion. It will say something like Order Granting Dismissal or Order Denying Dismissal. When you receive the Order, read it carefully to

make sure you understand what it says.

Do I still have to go to the hearing?

If the Court ordered the case to be dismissed, any hearing that had been scheduled was cancelled.

If the Court did not dismiss the case, the hearing will probably still take place as scheduled. Read the Order carefully to make sure you understand what it says about the hearing.

Who can help me with these forms?

It is important for you to know that Court Clerks are not allowed to help you fill out these forms. Here are some free resources that can help:

- Legal Aid of Wyoming Hotline. This Hotline gives you an opportunity to talk with a lawyer. 1-877-432-9955. This service is for people who have limited income and limited assets.
- Wyoming Free Legal Answers. This website gives you a chance to privately ask questions about your situation and then receive answers from a lawyer. <https://wyoming.freelegalanswers.org/> This service is for people who have limited income and limited assets. The volunteer lawyers on the website cannot assist with business matters, which includes owning or managing rental properties.
- Volunteer Reference Attorney Program. This program lets you have a short informational meeting with a lawyer. You can learn about the locations and dates by checking the calendar on the Equal Justice Wyoming website. This service is for people who have limited income and limited assets. Volunteer Reference Attorneys cannot assist with business matters, which includes owning or managing rental properties.
- Natrona County Court Navigator Program. If your case is in Natrona County, you can get help from a trained Court Navigator. Visit the Court Navigator page on the Wyoming Judicial Branch website to learn more.

If you do not qualify for the free services above, you can contact the Wyoming State Bar at 307-632-9061 for referral to Wyoming lawyers. (Those lawyers charge for their services.)

Where can I read Wyoming laws?

You can read Wyoming laws (statutes) online by visiting the Wyoming Legislative Service Office website (<https://wyoleg.gov/>) or by visiting your local library.

Laws about Forcible Entry and Detainer (eviction) are in Title 1, Chapter 21, Article 10. Laws about Residential Rental Property (rented homes) are in Title 1, Chapter 21, Article 12.