

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**Instructions for Filing a Complaint by a Prisoner
Under the Civil Rights Act, 42 U.S.C. § 1983**

I. 42 U.S.C. § 1983

You may file an action under 42 U.S.C. § 1983 to challenge federal constitutional or statutory violations by state actors which affect the conditions of your confinement.

A § 1983 action may not be used to challenge the length of your sentence or the validity of your conviction. Such claims must be addressed in a petition for a writ of habeas corpus, on the correct form provided by the clerk of the court.

II. Filing a § 1983 Action

To file a § 1983 action, you must submit: (1) an original complaint and (2) a check or money order for \$150.00 or an original Prisoner's In Forma Pauperis Application.

This packet includes a complaint form and a Prisoner's In Forma Pauperis Application. When these forms are fully completed, mail the originals to: Clerk of the United States District Court for the Northern District of California, 450 Golden Gate Avenue, Box 36060, San Francisco, CA 94102.

III. Filing Fees

The filing fee for a § 1983 action is \$150.00, to be paid at the time of filing. If you are unable to pay the full filing fee at this time, you may apply to proceed in forma pauperis, using the Prisoner's In Forma Pauperis Application in this packet. You must fully complete the application and sign and declare under penalty of perjury that the facts stated therein are true and correct.

Each plaintiff must submit his or her own Prisoner's In Forma Pauperis Application. You must use the Prisoner's In Forma Pauperis Application provided with this packet and not any other version.

IV. Complaint Form

You must complete the entire complaint form. Your responses must be typewritten or legibly handwritten and you must sign and declare under penalty of perjury that the facts stated in the complaint are true and correct. Each plaintiff must sign the complaint.

Under 42 U.S.C. § 1997e, you are required to exhaust your administrative remedies before filing a § 1983 action; you must indicate clearly on the complaint form whether you have done so.

V. After Complaint Is Filed

You will be notified as soon as the court issues any order in your case. It is your responsibility to keep the court informed of any changes of address to ensure you receive court orders. Failure to so do may result in dismissal of your action.

VI. Repeat Filers

If you are seeking leave to proceed in forma pauperis and, while incarcerated or detained, you have filed § 1983 actions on three or more prior occasions which were dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, you may not file a new § 1983 action unless you are under imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

VII. Inquiries and Copying Requests

Because of the large volume of cases filed by inmates in this court and very limited court resources, the court can no longer answer questions concerning the status of your case or provide copies of documents, except at a charge of fifty cents (\$0.50) per page. You must therefore keep copies of all documents submitted to the court for your own records.

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Name _____
(Last) (First) (Initial)

Prisoner Number _____

Institutional Address _____

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

(Enter the full name of the
plaintiff in this action)

Case No. _____
(To be provided by the clerk
of court)

vs.

COMPLAINT UNDER THE CIVIL
RIGHTS ACT, 42 U.S.C § 1983

() DEMAND FOR JURY TRIAL
() NO JURY TRIAL DEMAND
(check one only)

(Enter the full name of the
defendant(s) in this action)

All questions on this complaint form must be answered in order
for your action to proceed.

I. Exhaustion of Administrative Remedies

Note: You must exhaust your administrative remedies before
your claim can go forward. The court will dismiss any
unexhausted claims.

A. Place of present confinement _____

B. Is there a grievance procedure in this institution?
YES () NO ()

C. Did you present the facts in your complaint for review through the grievance procedure? YES() NO ()

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

1. Informal appeal _____

2. First formal level _____

3. Second formal level _____

4. Third formal level _____

E. Is the last level to which you appealed the highest level of appeal available to you? YES () NO ()

F. If you did not present your claim for review through the grievance procedure, explain why. _____

II. Parties

Write your name and your present address. Do the same for additional plaintiffs, if any.

A. _____

Write the full name of each defendant, his or her official position, and his or her place of employment.

B. _____

IV. Relief

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

DATED: _____

(Plaintiff's signature)

VERIFICATION

(optional)

I am the plaintiff in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true. I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

(Plaintiff's signature)

JURY TRIAL DEMAND

(optional)

I demand a jury trial for all claims for which a jury trial is

allowed.

YES () NO () (check one only)

Dated: _____

(Plaintiff's signature)

(rev. 11/98)