

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

222 West 7th Avenue #4
Anchorage, Alaska 99513-7564
(907) 677-6100

**INSTRUCTIONS FOR FILING COMPLAINT BY PRISONERS
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

IF YOU ARE REPRESENTING YOURSELF WITHOUT A LAWYER, YOU SHOULD CAREFULLY READ THIS COURT'S HANDBOOK, "REPRESENTING YOURSELF IN ALASKA'S FEDERAL COURT," WHICH CAN BE OBTAINED FROM THE CLERK'S OFFICE. THE HANDBOOK SHOULD HELP GUIDE YOU IN PROCEEDING ON YOUR OWN BEFORE THIS COURT.

A civil rights suit, under 42 U.S.C. § 1983, is an action against a person who has acted under **color of state law** (such as a state official or employee) to deprive a person of his or her rights under the Constitution or laws of the United States. To bring a civil rights action, you must have had **your** civil rights violated. You may not normally sue a defendant for the violation of someone else's civil rights. Your complaint can be brought in this Court only if at least one of the named defendants is located within this district (Alaska).

Civil rights suits filed by inmates generally involve **conditions of confinement**. An action under § 1983 **may not** be used to challenge your conviction, or the length of your sentence. These claims must be brought in a petition for writ of *habeas corpus*, on forms provided by the Court.

As explained below, check to make sure to send the following (fully completed) to the Court:

1. JS-44 Civil Cover Sheet
2. § 1983 complaint form
3. Summons forms
4. \$150.00 filing fee *or* Prisoner's Application to Waive Prepayment of Fees, with certified prison trust account statements for the past six months.

**YOU MUST COMPLY WITH THE FOLLOWING INSTRUCTIONS
BEFORE THE CLERK WILL FILE YOUR COMPLAINT.**

To start an action you must file an original, plus one copy, of your § 1983 complaint (you should use the form furnished by the Court). You should also keep a copy for your own records.* **ALL COPIES OF YOUR COMPLAINT MUST BE IDENTICAL TO THE ORIGINAL, including any attachments. Your complaint must list ALL the defendants.**

*** If you request copies of court documents from the Clerk of Court, they will be provided to you at fifty cents per page. Unless the Court orders otherwise, this must be paid even if prepayment of fees has been waived.**

Your complaint and all other documents must be legibly handwritten or typewritten. **Do not write on the back of the complaint form.** If you need more space, attach additional sheets of paper of the same (8 ½ x 11) size.

You are required to give **dates** and **facts** in support of each claim. Please write the facts in your own words, as if you were briefly telling someone what happened to you. Describe how each defendant, by name, violated your civil rights. You must sign and declare under penalty of perjury that all facts in your complaint are correct. **THE COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.**

Under 42 U.S.C. § 1997e, you are required to **EXHAUST YOUR ADMINISTRATIVE REMEDIES** (generally, the prison grievance process) before filing a civil rights action. You must clearly state on the complaint form whether you have done this, and attach documentation. Otherwise, your complaint may be dismissed.

You are required to present the following documents with your complaint:

- (1) A completed JS-44, **Civil Cover Sheet**, in original only.
- (2) An original and two copies of a **summons** for each defendant, which must include:
 - (a) the case caption identical to the case caption on the complaint listing **ALL DEFENDANTS**;
 - (b) the complete names and addresses of the defendants to be served (if known); and
 - (c) your name and address under “plaintiff’s attorney.”

You must send either the **\$150.00 FILING FEE** or, if you are unable to pay the full filing fee at this time, a completed *Prisoner’s Application to Waive Prepayment of Fees*. **CAREFULLY READ** the information sheet, and fully fill out the form, if you chose to apply to waive prepayment of fees. You must use the application form provided by the Court, and not any other version. Send the original and one identical copy to the Court, and keep a copy for your own records.

If you apply to waive prepayment of fees and you have, on three or more occasions, while incarcerated or detained, filed actions or appeals that 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 without first paying the **ENTIRE** filing fee, unless you are in imminent danger of serious physical injury.

In addition, the Court is required to review your complaint before service, and to dismiss your complaint if it (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief. When an action is dismissed, the Court keeps the entire \$150.00 filing fee to cover the costs of processing the case. **No part of the fee will be returned** to you; instead, the Court continues to collect the fee until it is **paid in full**.

Once completed, all forms and your filing fee or application to waive prepayment of fees, should be sent to:

Clerk of Court
United States District Court, District of Alaska
222 W. 7th Avenue, Box 4
Anchorage, Alaska 99513-7564

You will be notified as soon as the Court issues an order in your case. It is your responsibility to keep the Court informed of any changes of address to ensure you receive Court orders. If you do not, your case may be dismissed.

Filing Documents After Service of the Complaint has been ordered:

You must serve the defendant(s) with a copy of every document submitted for consideration by the Court. The original of all documents, filed with the Clerk, should have a proper "Certificate of Service." The following is an example of a certificate of service, which should appear following your signature at the end of each document:

I hereby certify that a copy of the above (name of document) was served by first class, U.S. Mail, upon (name of opposing party or counsel) at (address) on (date).

(Your Signature)

For Court Use Only

(Name)

(Prisoner No.)

(Place of Confinement)

(Mailing Address)

(City, State, Zip)

Telephone: _____

**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

Plaintiff
vs

Defendant(s)

Case No.

COMPLAINT UNDER
CIVIL RIGHTS ACT
[42 U.S.C. § 1983]
(PRISONER)

Plaintiff _____ alleges that the civil rights of plaintiff were violated by the below named defendants.

I. Jurisdiction

1. Jurisdiction is invoked under 28 U.S.C. § 1343(a)(3).

II. Parties

2. Plaintiff is presently confined at _____

3. Defendant _____ is a citizen of _____ and employed as _____

IV. Prior Lawsuits

9. Have you begun other lawsuits in **state or federal court** dealing with the **same facts** involved in this action or otherwise relating to your imprisonment? Yes No

If yes, describe each lawsuit.

a. Lawsuit 1: Plaintiff(s) _____
Defendant(s) _____
Name and location of court _____

Docket No. _____ Name of Judge _____
Date Filed _____ Date of Decision _____
Disposition: Dismissed Appealed Still pending
Issue(s) raised _____

b. Lawsuit 2 Plaintiff(s) _____
Defendant(s) _____
Name and location of court _____

Docket No. _____ Name of Judge _____
Date Filed _____ Date of Decision _____
Disposition: Dismissed Appealed Still pending
Issue(s) raised _____

10. Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

Yes No (If your answer is "Yes," describe each lawsuit.)

a. Lawsuit 1 dismissed as frivolous, malicious, or failed to state a claim

Defendant(s) _____

Name of Court _____ Case No. _____

Date Filed _____ Date of Decision _____

Dismissed because: Frivolous Malicious Failed to state a claim

Issue(s) raised _____

b. Lawsuit 2 dismissed as frivolous, malicious, or failed to state a claim

Defendant(s) _____

Name of Court _____ Case No. _____

Date Filed _____ Date of Decision _____

Dismissed because: Frivolous Malicious Failed to state a claim

Issue(s) raised _____

c. Lawsuit 3 dismissed as frivolous, malicious, or failed to state a claim

Defendant(s) _____

Name of Court _____ Case No. _____

Date Filed _____ Date of Decision _____

Dismissed because: Frivolous Malicious Failed to state a claim

Issue(s) raised _____

11. Are you in imminent danger of serious physical injury? Yes No

If the answer is yes, describe how you are in danger _____

V – Exhaustion of Administrative Remedies

12. Present place of confinement: _____

13. Is there is a grievance procedure at this institution? Yes No

14. If the answer to 13 is yes, did you present the facts in your complaint for review through the grievance procedure? Yes No

a. In no, why not? _____

b. If yes, what steps did you take? _____

c. Is the grievance procedure complete? Yes No

If yes attach a copy of the final grievance resolution for any grievance concerning the facts relating to this case.

VI – Relief Requested

Wherefore, plaintiff requests that this Court grant the following relief:

1. Monetary damages in the amount of _____

2. Punitive damages in the amount of _____

3. An order compelling defendant(s) _____

4. A declaration that _____

5. Other: _____

Plaintiff requests trial by jury. Yes No (check one)

Declaration under Penalty of Perjury

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed on _____ at _____

(Signature of Plaintiff)