

**PLEASE REVIEW THE ATTACHED MEMORANDUM REGARDING
CHANGES EFFECTED BY THE RECENTLY ENACTED
"PRISON LITIGATION REFORM ACT"**

INSTRUCTIONS - CIVIL RIGHTS COMPLAINT

When Mailing the forms:

1. If you are not proceeding In Forma Pauperis, you must submit
 - (a) the original complaint;
 - (b) a properly completed Civil Cover Sheet (JS-44);
 - (c) Original summons (no form provided) prepared for Clerk's signature.
 - (d) the full amount of the **\$150.00** civil action filing fee;
Make check payable to Clerk, US District Court

2. If you are proceeding In Forma Pauperis, you must submit
 - (a) the original complaint
 - (b) a properly completed Civil Cover Sheet (JS-44);
 - (c) an AO 240 (10/96) Application to Proceed In Forma Pauperis, (fully completed and properly certified by an authorized prison official) (Each plaintiff must submit a fully completed AO 240 form);
 - (d) the full and correct amount of the initial partial filing fee (note: under the recently enacted "Prison Litigation Reform Act" prisoner IFP litigants must pay an initial filing fee equal to 20% of the greater of their average monthly balance or average monthly deposits for the last six months) (Also see attached Page 3, #13 for subsequent payment information);

3. Mail all of your submissions to:

Clerk of Court
U.S. District Court
700 Federal Bldg.
316 North Robert Street
St. Paul, MN 55101

(See attached additional instructions)

ADDITIONAL INSTRUCTIONS

The following instructions are offered to assist prisoners who intend to file an action in federal court. Failure to comply with these instructions will cause delays in handling your case and could even cause the case to be dismissed.

1. The complaint must be legible -- printed or typewritten and all documents must be signed by all plaintiffs.
2. The complaint should clearly identify each individual defendant who is being sued, and it should include a brief description of the facts giving rise to the claim(s) against each individual defendant.
3. The event(s) giving rise to the claim(s) must have occurred in Minnesota and/or the named defendant(s) must reside in Minnesota.
4. All of the claims described in the complaint should arise out of the same set of facts. (Claims arising out of different sets of facts should be presented in separate actions.)
5. Each section of the form complaint should be completed; all of the information required by the form complaint should be provided.
6. The complaint should clearly describe the relief that is requested. (Injunctive relief and/or money damages may be available under 42 U.S.C. § 1983 for state prisoners who have been deprived of a federal constitutional right by a person acting under color of state law. Similar relief may be available under Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971) for federal prisoners who have been deprived of a federal constitutional right by a person acting under color of federal law. However, a prisoner cannot challenge the fact or duration of his or her confinement in a civil rights action. A prisoner can challenge a conviction, an original sentence, or any action extending the time that must be served in prison ONLY in a habeas corpus proceeding.)
7. The complaint must be signed by the prisoner making the claim, under penalty of perjury. (Any false statement of a material fact may result in criminal prosecution for perjury.)
8. If you are NOT applying for IFP status (i.e., if you are paying the full \$150.00 file fee), you must (i) prepare your own summonses (one for each defendant), and (ii) make your own arrangements for serving a copy of the summons and complaint on each defendant. (See service of process requirements at Rule 4 of the Federal Rules of Civil Procedure.)

If you apply for IFP status, and if your application is granted, then the Court will order the U. S. Marshal Service to complete service of process for you – the clerk of court will provide you with the needed U.S. Marshal Forms to be completed and returned to the Clerk's office.

9. After a case has been filed, all further pleadings, papers or correspondence filed with the Court must indicate the Civil Case number and the judge to whom the case is assigned.

10. A copy of all written materials sent to the Court also must be sent to the attorney(s) representing the defendant(s).
11. The prisoner must notify the Court in writing whenever there is a change in the prisoner's address, (including address changes that occur when and after the prisoner is released from custody).
12. When an IFP application is filed and only an initial partial filing fee is paid, the unpaid balance of the full (\$150.00) filing fee must be paid through regular monthly installment payments. Prison authorities are required to deduct such installment payments from prisoner trust accounts, but prisoner litigants should ensure that such payments are being made. See 28 U.S.C. § 1915(b)(2). Prison authorities are required to continue withdrawing funds from the prisoner's account until the \$150.00 filing fee is paid, even if the prisoner's action is dismissed or voluntarily withdrawn before the full fee is paid.

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

(Enter the full name of **ALL** plaintiff(s) and prisoner number(s) in this action)

vs

Civil No. _____

**COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS UNDER 42 U.S.C.
1983**

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

1. PREVIOUS LAWSUITS

A 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 in the last three years?

_____ Yes _____ No

B. If your answer to A is Yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs

Defendants

2. Court (if federal court, name the district. If state court, also name the county)

3. Case Number _____

4. Name of judge to whom case was assigned _____

5. Cause of Action (Cite statute under which you filed and write a brief statement of the case):

6. Disposition (For example: Was the case dismissed? Appealed? Still pending?)

7. Approximate date of filing of lawsuit

8. Approximate date of disposition

9. Attach copy of disposition if not from Federal District Court of Minnesota.

II. PLACE OF PRESENT CONFINEMENT

A. Is there a prisoner grievance procedure in the institution?

_____ Yes _____ No

B. Did you present the facts relating your complaint in the prisoner grievance procedure?

_____ Yes _____ No

C. If your answer is Yes:

1. What steps did you take?

2. What was the result?

3. Attach a copy of disposition

D. If your answer is No, explain why not:

III PARTIES

(In Item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs)

A. Name of Plaintiff:

Address:

Additional Plaintiffs:

(In Item B below, place the full name of the defendant in the first blank, official position in the second blank, and place of employment in the third blank. Do the same for all additional defendants, using a separate page, if necessary)

B. Name of Defendant: _____
employed as: _____
at: _____
Additional Defendants _____

IV. STATEMENT OF CLAIM

Provide a concise summary of the **facts** on which your claim is based. Describe how **each individual** defendant is personally involved, including dates, places and specific wrongful acts or omissions or each defendant. Each factual allegation should be set forth in a separate numbered paragraph. (All paragraphs in the "STATEMENT OF CLAIM" should be consecutively numbered.) Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.

V. RELIEF

State briefly exactly what you want the court to do for you:
Make no legal arguments. Cite no case or statutes.

I (We) hereby certify under penalty of perjury that the above petition is true to the best of my (our) information, knowledge and belief.

Signed this _____ day of _____, 20 _____

Signature(s) of Plaintiff(s) _____

