

**INFORMATION AND INSTRUCTIONS
FOR FILING CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. §1983**

- 1) The accompanying form is to be used when filing a complaint seeking relief under the Civil Rights Act. In order for your complaint to be considered by the district court, it must be **typewritten or legibly handwritten**. All questions must be answered clearly and concisely in the appropriate space on the form. If necessary, you may use up to two additional pages (on 8½ x 11 inch paper) to complete part “C” of the complaint, making clear which count(s) applies to the information. If there is more than one defendant, you should clearly indicate which of the acts alleged pertains to each defendant.
- 2) **An original and one copy of the complaint must be provided for the court and one copy for each of the defendants named in the complaint. You also need to provide the name and address of each defendant named.** For example, if you name two defendants you must file an original and three copies of the complaint. You should keep an additional copy of the complaint for your own records. **All copies of the complaint must be identical to the original.**
- 3) Your complaint must have an **original signature** and include a declaration under penalty of perjury. You are cautioned that any deliberate false statement of a material fact may serve as a basis for prosecution and conviction of perjury. Therefore, you should exercise care to assure that all answers are true, correct and complete.
- 4) The complaint must be accompanied by the filing fee of \$150.00. If you cannot afford to pay the fee, you may request permission to proceed *in forma pauperis* by filling out a motion for leave to proceed *in forma pauperis* regarding your inability to pay the filing fee. If you file the motion, the business office of the institution at which you are incarcerated will be requested by the court to complete a financial certificate for the six-month period immediately preceding the filing of your complaint.

Even though *in forma pauperis* status may be granted, the court will assess an initial partial payment of the filing fee and will collect monthly payments thereafter until the entire fee of \$150.00 is paid in full.

The initial partial payment and monthly payments will be collected based on the criteria set forth in 28 U.S.C. 1915(b)(1) and (2). Specifically, for each month

that the amount in the prisoner's account exceeds \$10.00 the custodian must collect a payment equal to 20% of the previous month's income in the prisoner's account until the full \$150.00 filing fee has been paid.

- 5) Under the Civil Rights Act (42 U.S.C. 1983) the court can grant relief only for wrongs which amount to the denial of federal constitutional rights by a person acting under color of state law. Your complaint can be brought in this court only if one or more of the named defendants is located within this judicial district.
- 6) Your completed complaint, along with the necessary copies, filing fee or motion to proceed *in forma pauperis*, should be mailed to:

Clerk, U. S. District Court
District of Wyoming
2120 Capitol Avenue, 2nd Floor
Cheyenne, WY 82001

- 7) You must furnish an original and one copy of all motions, pleadings or other documents submitted to the court for filing. In addition, you must furnish the opposing party or the party's attorney with a copy of all documents submitted to the court for filing. Each document (except the complaint) must include a certificate of service stating the date that a copy of the document was mailed to the opposing party or the party's attorney and the address to which it was mailed. Any pleading or other document received which fails to include a certificate of service may be disregarded by the court.

The following is an example of a certificate of service:

I hereby certify that a copy of the foregoing [insert name of pleading or document] was mailed to [insert name of opposing party or party's attorney] at [insert address] on [insert date you mailed the document].

Plaintiff's signature

- 8) If you would like to have a file-stamped copy returned to you, you need to include a stamped, pre-addressed return envelope with the document.
- 9) The United States Magistrate Judge, the Clerk of Court and deputy clerks are officers of the court and are prohibited from giving legal advise. Questions of this nature should be directed to an attorney.

Name: _____
Prisoner No.: _____
Address: _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

_____)
_____)
Full name of plaintiff (Do not use 'et al'.))
_____)
Plaintiff,))
_____)
vs.))
_____)
Full name of defendant (Do not use 'et al'.))
_____)
Full name of defendant, if more than one))
_____)
Full name of defendant, if more than one))
_____)
Full name of defendant, if more than one))
_____)
Defendant(s).))

Case Number: _____
(To be supplied by the Clerk)

PRISONER CIVIL RIGHTS COMPLAINT
Pursuant to 42 U.S.C. 1983

PART A: JURISDICTION

1) I _____, am a citizen of _____.
(Plaintiff's name) (State)

I presently reside at: _____

(Address of place of confinement)

2) Defendant _____
(Name of first defendant)

is a citizen of _____
(City, State)

and is employed as _____.
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law? **Yes** _____ **No** _____

If your answer is "Yes", briefly explain:

3) Defendant _____
(Name of second defendant, if any)

is a citizen of _____
(City, State)

and is employed as _____.
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law? **Yes** _____ **No** _____
If your answer is "Yes", briefly explain:

- 4) Defendant _____
(Name of third defendant, if any)
is a citizen of _____
(City, State)
and is employed as _____.
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law? **Yes** _____ **No** _____
If your answer is "Yes", briefly explain:

- 5) Defendant _____
(Name of fourth defendant, if any)
is a citizen of _____
(City, State)
and is employed as _____.
(Position and title, if any)

PART C: CAUSE OF ACTION

I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations:

(If necessary you may attach up to two additional pages on 8½x11" paper to explain any allegation or to list additional supporting facts.)

Claim 1: _____

Supporting facts:

(Include all facts you consider important, including names of persons Involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Claim 2: _____

Supporting facts:

Claim 3: _____

Supporting facts:

PART D: ADMINISTRATIVE RELIEF

1) Have you previously filed a grievance regarding the acts complained of in Part C?

Yes _____ **No** _____

A) If your answer is "Yes", was the grievance

Formal _____ **Informal** _____ **Both** _____

B) If your answer is "Yes", state when you filed the grievance:

C) If your answer is "Yes", did you appeal the result?

Yes _____ **No** _____

D) If you appealed the grievance result, briefly describe the disposition of the appeal:

E) If you did not file a grievance, briefly explain why administrative relief was not sought:

PART E: PREVIOUS LAWSUITS

1) 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 your answer is "Yes", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same format.)

A) Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

B) Name of court: _____

Docket number of case(s): _____

C) Disposition of case:

1. Is it still pending? Yes _____ No _____

2. Was it dismissed? Yes _____ No _____
If "Yes", give date of dismissal _____

3. Was it appealed? Yes _____ No _____
If "Yes", is appeal pending? Yes _____ No _____
If appeal is not pending, mark whether it was:
Affirmed _____ Denied _____ Remanded _____
and give date of termination _____

D) Issues raised: _____

E) Date of filing lawsuit: _____

PART F: REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

Signature of attorney (if any)

Signature of Plaintiff

Attorney's full address and
phone number

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury under the laws of the United States of America that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained is true and correct. (28 USC 1746; 18 USC 1621)

Executed at _____ on _____, 20____.
(Location) (Date)

Signature