

**INSTRUCTIONS FOR FILING COMPLAINT UNDER THE
CIVIL RIGHTS ACT, 42 U.S.C. § 1983, BY PERSONS CONFINED IN
CORRECTIONAL FACILITIES**

This packet includes copies of a complaint form and copies of a form entitled “Affidavit in Support of Request to Proceed In Forma Pauperis.”

Before bringing this lawsuit, you must seek relief within your institution and exhaust any grievance procedures available. If you do not exhaust available grievance procedures, your case will be dismissed. 42 U.S.C. § 1997e.

To open your case, you must submit an original completed complaint form to the Clerk of the United States District Court. You should keep a copy of the complaint for your own records. All copies of the complaint must be identical to the original.

Your complaint will not be considered unless you follow these instructions.

1. Your complaint must be legibly handwritten or typewritten. Answer each question to the best of your knowledge and belief. Be concise.
2. Each plaintiff must sign the complaint and include his/her inmate registration number.
3. If you require additional space to answer a question or state a claim, attach blank pages to the form. Use 8 ½ X 11 sized paper, if possible. Do not use the back of the form for additional space, unless you cannot obtain pages.
4. Provide facts supporting your claims. You must explain what each defendant did to violate your federal rights.
5. You must file a separate complaint for each claim unless the claims involve the same incident, issues or actions of the defendant. Separate plaintiffs should file separate complaints unless their claims are related to the same incident or issue.
6. Your complaint should be brought in the Western District of Missouri only if all defendants reside in this district or if your claim arose in this district. (NOTE: Farmington, Pacific, Moberly and Potosi are NOT in the Western District of Missouri.)
7. Documents certified as true under penalty of perjury do not need to be notarized. See 28 U.S.C § 1746.

FILING FEES AND PROCEEDING IN FORMA PAUPERIS

Your complaint must be accompanied by a filing fee of \$350.00. In addition, you will be required to pay the costs of serving a copy of your complaint on each of the named defendants.

If you are currently unable to pay the filing fee and the costs of service, you may request permission to proceed in forma pauperis (IFP). **Prisoners who proceed in forma pauperis eventually must pay the full filing fee even if they are granted leave to proceed in forma pauperis and even if the case is dismissed either during the initial screening process or at a later time by the Court.** See 28 U.S.C. § 1915 (e)(2) and In re Tyler 110 F.3d 528, 529-30 (8th Cir.1997) (under Prison Litigation Reform Act, prisoners are responsible for filing fees the moment a civil action is filed). If you have insufficient funds in your account, the court will assess and, when funds exist, collect an initial partial filing fee of 20 percent of the greater of

(1) the average monthly deposits in your account; or

(2) the average monthly balance in your account for the prior six-month period. After that, you must make monthly payments of 20 percent of your proceeding months income until the \$350 is paid. No payment is required in months when the proceedings months income is \$10.00 or less. 28 U.S.C. § 1915.

To request in forma pauperis status, complete the enclosed Affidavit in Support of Request to Proceed In Forma Pauperis and follow the instructions below.

1. Your affidavit must be legibly handwritten or typewritten. Answer questions to the best of your knowledge and belief. Be concise.
2. Each plaintiff must submit a separate affidavit and request to proceed in forma pauperis
3. Each plaintiff should submit the original of his affidavit with the complaint form and keep a copy for his own records.
4. If you require additional space to answer a question, attach a separate page to the affidavit.
5. The affidavit must be accompanied by (1) a certificate of the warden or other appropriate officer of your institution showing the amount of money or securities on deposit at the institution during the last six months and (2) a completed Authorization for Release of Institutional Account Information and Payment of the Filing Fee.

THESE FORMS ARE NOT TO BE USED FOR FILING A PETITION FOR WRIT OF HABEAS CORPUS, OR TO CHALLENGE THE VALIDITY OF A FEDERAL OR STATE CONVICTION FOR A CRIMINAL OFFENSE. Forms for this purpose or for filing civil rights claims may be obtained from the Clerk of the United States District Court, U.S. Courthouse, 400 East Ninth St., Kansas City, Missouri 64106.

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

_____)
(full name) (Register No.))
_____)
_____)
Plaintiff(s))
v.) Case No. _____)
_____)
(Full name))
_____)
_____)
Defendant(s).

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

- I. Place of present confinement of plaintiff(s):

- II. Parties to this civil action:
Please give your commitment name and any another name(s) you have used while incarcerated.
 - A. Plaintiff _____ Register No. _____
Address _____

 - B. Defendant
Is employed as _____

For additional plaintiffs or defendants, provide above information in same format on a separate page.

- III. Do your claims involve medical treatment? Yes No
- IV. Do you request a jury trial? Yes No
- V. Do you request money damages? Yes No
- State the amount claimed? \$ _____ / _____ (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes No

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?
Yes No

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution? Yes No

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

D. If you have not filed a grievance, state the reasons.

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes No

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated? Yes No

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: _____
(Plaintiff) (Defendant)

(2) Date filed: _____

(3) Court where filed: _____

(4) Case Number and citation: _____

(5) Basic claim made: _____

(6) Date of disposition: _____

(7) Disposition: _____

(Pending) (on appeal) (resolved)

(8) If resolved, state whether for: _____

(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

B. State briefly your legal theory or cite appropriate authority:

X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. _____

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes No

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

C. Have you previously had a lawyer representing you in a civil action in this court? Yes No

If your answer is "Yes," state the name and address of the lawyer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this _____ day of _____ 20__.

Signature(s) of Plaintiff(s)

