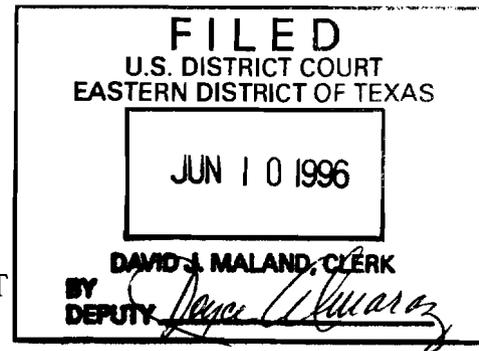


GENERAL ORDER NO. 96- 11



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

ORDER ADOPTING NEW FORMS FOR PRISONERS
FILING ACTIONS UNDER 42 U.S.C. §1983

It is hereby ORDERED, effective immediately, that this court adopt a prescribed form for prisoners filing complaints under the Civil Rights Act, 42 U.S.C. §1983. The prescribed form is attached hereto as Exhibit A. Complaints may be accepted and filed in other forms at the discretion of the court; however, completion of the prescribed form may be required as an auxiliary pleading.

It is further ORDERED that the court adopt a prescribed form letter that shall be sent with each form complaint. The prescribed form letter is attached hereto as Exhibit B.

It is finally ORDERED, that General Order 88-20 is rescinded.

So ORDERED and SIGNED this 7th day of June, 1996.

FOR THE COURT:

RICHARD A. SCHELL
CHIEF JUDGE

COMPLAINT UNDER 42 USC §1983, CIVIL RIGHTS ACT (Rev. 4/96)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

(Enter above the full name and Inmate
Number of each plaintiff in this action.)

CASE NO. _____
(Clerk will assign the number)

v.

(Enter above the full name of each
defendant in this action. DO NOT USE "ET AL.")

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? ___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, giving the same information.)

1. Approximate date of filing lawsuit: _____

2. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

3. Court: (If federal, name the district; if state, name the county.) _____

4. Docket Number: _____

5. Name of judge to whom case was assigned: _____

6. Disposition: (Was the case dismissed, appealed, still pending??)

7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: _____

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

A. Is there a prisoner grievance procedure in this institution? YES NO

B. Did you present the facts relating to this complaint through all steps of the grievance procedure? YES NO

IV. PARTIES TO THIS SUIT:

A. Name and address of each plaintiff: _____

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: _____

Defendant #2: _____

Defendant #3: _____

Defendant #4: _____

Defendant #5: _____

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ___ YES ___ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? ___ YES ___ NO

C. Has any court ever warned or notified you that sanctions could be imposed? ___ YES ___ NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date warnings were imposed: _____

Signed this _____ day of _____, 19 _____.
(Day) (month) (year)

(Signature of each plaintiff)

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

Executed on: _____
DATE

(Signature of each plaintiff)

ATTACHMENT B

**UNITED STATES DISTRICT COURT
OFFICE OF THE STAFF ATTORNEYS
EASTERN DISTRICT OF TEXAS**

DAVID J. MALAND
CLERK

211 W. FERGUSON
TYLER, TEXAS 75702

Re: Your Request for Forms for Filing a Civil Rights Complaint

The forms you requested are enclosed. Please read the forms and follow the instructions very carefully. Make certain you have answered all the questions and have signed in all the required places.

The filing fee for this type of civil action is \$120.00. At the time you submit the complaint, you must submit your check or money order made payable to: Clerk, U. S. District Court. You are responsible for serving the defendants.

If you are unable to pay the filing fee and service costs for this complaint, you may request the Court to allow you to proceed *in forma pauperis* [IFP] (application is enclosed). If you use this form, you must answer each and every question and sign the form. If you are an inmate, you must have the certificate portion completed and signed by an authorized official of your institution. The certification for Texas Prison inmates must be made by the E & R accounting Office in Huntsville. It usually takes the E&R Accounting Office approximately 30-60 days to complete and return the certificate to you. **DO NOT SEND the COMPLAINT WITHOUT the completed and CERTIFIED IFP APPLICATION.** Otherwise, your case cannot be processed and will be delayed.

Please give special attention to the following information:

PARTIES: The parties to a law suit are the plaintiff (the person who is filing the suit) and the defendant (the person who is being sued). List the full names of each defendant on page 1. If you cannot obtain the full names, supply an initial or state the name is unknown. On page 2, list the defendant again with a full address. If there is more than one defendant, the defendants should be listed in the same order as on page 1.

If there is more than one plaintiff, each plaintiff must be listed on page 1 and must sign the complaint on the last page. Each plaintiff must also submit a separate and completed IFP form.

STATEMENT OF CLAIM: It is very important you state a claim against each named defendant. Give only the facts without legal arguments or case law. Do not submit exhibits or evidence with your complaint. Save those items for any hearing that may be set.

FILING: Submit only the original complaint to the Court. Keep a copy for your records. Once the original is filed, it cannot be returned unless ordered by the Court. Use a typewriter or black ink. Your complaint must be legible. Do not use legal size paper. Use standard size paper (8 ½ x 11 inches). Do not write on the reverse side of any page. Leave space (margins) at each side and on the top and bottom of the page.

It is your responsibility to keep the Court informed of your current address. If you are transferred or released, you must file a "Notice of Change of Address" with the Clerk. You must also certify that you have sent the notice to the defendant's attorney (if any). Failure to follow this rule may result in your case being dismissed.

VENUE: Your complaint can be brought in this Judicial District if at least one of the defendants reside in this district or the cause of action arose in this district. If not, you are in the wrong court. Submitting your complaint to the wrong court will only delay the proceedings.

Division	Counties	Prison Units	Forms Sent to:
I. Beaumont	Hardin Jasper Jefferson Liberty Newton Orange	Cleveland Gist Goodman Henley Hightower LeBlanc Plane Stiles	Clerk, U. S. District Court Pro Se Division 300 Willow Street Beaumont, TX 77701
II. Marshall	Camp Cass Harrison Marion Morris Upshur		Clerk, U. S. District Court Pro Se Division 211 W. Ferguson, Room 106 Tyler, TX 75702
III. Paris	Delta Fannin Hopkins Lamar Red River	Cole Choice Moore	Clerk, U. S. District Court Pro Se Division 211 W. Ferguson Room 106 Tyler, TX 75702
IV. Sherman	Collin Cooke Denton Grayson		Clerk, U. S. District Court Pro Se Division 101 E. Pecan Sherman, TX 75090
V. Texarkana	Bowie Franklin Titus	Telford	Clerk, U. S. District Court Pro Se Division 101 E. Pecan Sherman, TX 75090
VI. Tyler	Anderson Cherokee Gregg Henderson Rains Rusk Smith Van Zandt Wood	Beto I Bradshaw Coffield Gurney Hodge Johnston Michael Billy Moore Powledge Skyview	Clerk, U. S. District Court Pro Se Division 211 W. Ferguson, Room 106 Tyler, TX 75702
VII. Lufkin	Angelina Houston Nacogdoches Polk Sabine San Augustine Shelby Trinity Tyler	Diboll Correctional Center Diboll Unit Eastham Terrell Lewis	Clerk, U. S. District Court 104 North Third Street Lufkin, TX 75901

Finally, do not write letters to the clerk or the Judges asking for advice. The Court can only act on motions and does not advise litigants as to the law or procedures.

Thank you for your cooperation.