

Rescinded; see G.O. 96-1

FOR THE EASTERN DISTRICT OF TEXAS

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

APR 01 1988

IN THE MATTER OF PRISONERS §
FILING CIVIL RIGHTS ACTIONS
UNDER 42 U.S.C. §1983, CIVIL §
RIGHTS ACT

MURRAY M. HARRIS, CLERK
By
Deputy *Rita Robbins*

GENERAL ORDER

Acting by consent of the judges of this court, it is ORDERED, effective immediately, that this court adopt a prescribed form for prisoners filing complaints under the Civil Rights Act, 42 U.S.C. §1983. To facilitate this, the following rules are also adopted:

1. The prescribed form for a civil complaint for use by prisoners filing under 42 U.S.C. §1983 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 a pleading auxiliary, either before or after filing.
2. The court also adopts, as a mandatory form, the Application to Proceed in Forma Pauperis (AO-240) which is attached hereto as Exhibit B. No complaint will be accepted for filing in forma pauperis, except at the discretion of the court, until the application on the prescribed form is received. All such applications, to be valid, must be certified by an authorized official of the institution wherein the applicant is detained and must contain a statement of either the applicant's average prisoner account balance over the preceding six-month period or the applicant's total income received over the preceding six-month period.

3. Verification of the complaint and the application to proceed in forma pauperis is required before the pleading will be accepted. Pleadings may be verified, pursuant to 28 U.S.C. §1746, by signature under penalty of perjury or under oath before a notary public or other person authorized by law to administer an oath.
4. In the event that a complaint under 42 U.S.C. §1983 is received but is determined by the Clerk to be technically deficient so as to fail to meet the requirements for filing in this court, the Clerk is hereby authorized to return the original and all copies received of said complaint to the plaintiff for correction of all such technical deficiencies without obligation on the part of the Clerk to retain a copy of said complaint pending its return.

SIGNED this 1st day of April, 1988,
on behalf of the court.


Chief Judge

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK
EASTERN DISTRICT OF TEXASMURRAY L. HARRIS
CLERK211 W. FERGUSON
TYLER, TEXAS 75702

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

In response to your inquiry, the forms you have requested for prisoners in filing a complaint for violation of civil rights are enclosed.

Please read the forms and follow the instructions **VERY CAREFULLY**. Make certain that you have answered **ALL** the questions and that you 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 may submit your check or money order made payable to:

Clerk, U.S. District Court.

In addition, prisoner complaints generally are served to the defendants by the United States Marshal with a usual charge of \$3.00 for each person served. **DO NOT** submit payment for the service at this time. After the case is filed, the U. S. Marshal Service will notify you by letter how you may prepay the fee for this service.

If you are unable to pay the filing fee and service costs for this complaint, you may ask the Court to allow you to proceed in forma pauperis. An application for this purpose is included with your forms. If you use this form, make certain that **each and every** question is properly answered, that you sign the form, and that the certificate portion is completed and signed by an authorized official of your institution. If you are an inmate of the Texas Department of Corrections, it is our understanding that the type of information required in the certificate is only available in Huntsville. The form must be submitted with a properly notarized release form through appropriate channels to E&R Accounting in Huntsville so that the certificate may be certified by an authorized person.

Forms which do not conform to the instructions will be returned with a notation as to the deficiency. Please give special attention to the information which follows

VENUE: Your complaint can be brought in **THIS Judicial District ONLY** if all defendants reside in THIS district OR the cause of action arose in THIS district. If not, this is the wrong court. Submitting your complaint to the wrong court will only delay it.

PARTIES: The plaintiff's full name must be listed on Pages 1 and 3. Inmate Number and full mailing address is required on page 3.

A complete name is required for each defendant. If you do not know the first name, please supply an initial. If you have tried to secure this and were unable to do so, then you must state that the first name is unknown.

The complete name of each defendant must be listed on the first page. On page 3, the same names must be listed. A complete mailing address is required for EACH defendant. Without this information the Clerk cannot prepare the summons properly. If the U. S. Marshal serves your complaint, it will be served by the U. S. Postal Service, and this cannot be accomplished without a mailing address.

If there is MORE THAN ONE PLAINTIFF, each plaintiff must sign the complaint in the space provided. In addition, if the filing fee is not paid, EACH PLAINTIFF MUST SUBMIT A SEPARATE APPLICATION TO PROCEED IN FORMA PAUPERIS.

STATEMENT OF CLAIM:

It is very important that you state a claim against each of the defendants you have named. See "Statement of Claim" Instructions.

Note that you are required to give FACTS.

Your complaint should NOT contain legal arguments or case law citations.

Submit only the original complaint to this court. Keep a copy for your records. If we need copies, we will make them. The papers you submit need to be easy to reproduce with a copier machine. If possible use typewriter or black ink. If this is not available, submit only originals which are clearly legible.

The use of legal-size paper has been eliminated. Standard size is now 8½ x 11 inches. If you must submit additional pages, use only this size. **DO NOT** write on the reverse side of any pages.

Complaints which do not conform to these instructions will be returned with a notation as to the deficiency so they may be corrected. You should hear about acceptance of your case in about six weeks. Please wait that long before inquiring. Be assured that we make every effort to handle each case in the order in which it is received.

Any forms returned should be sent to:

Clerk, U. S. District Court
211 West Ferguson, Room 309
Tyler, TX 75702

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT UNDER 42 USC §1983, CIVIL RIGHTS ACT

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.)

vs.

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

I. ATTEMPT TO SECURE COUNSEL:

The Judges of this Court have requested that you be informed that they are without statutory authority to compensate an attorney in an action brought by an indigent plaintiff under Title 42 U.S.C. §1983. The State Bar of Texas sponsors a program for indigent inmates who claim that their civil rights have been violated while they have been in confinement and administrative remedies are in the Courts. You may obtain more information on this program from the Staff Counsel for Inmates, Post Office Box 99, Huntsville, Texas 77340, or by writing to the following:

Center for Correctional Services
State Bar of Texas
P. O. Box 12487
Austin, Texas 78711

Please answer the following concerning your attempt to secure counsel.

A. In the preparation of this suit I have attempted to secure the aid of an attorney as follows: (Circle one.)

1. Staff Counsel for Inmates
2. Employ Counsel
3. My Court-appointed Counsel
4. Inmate Legal Services Project of the State Bar of Texas
5. I have not talked to a lawyer and refuse to do so.

B. The name(s) and address(es) of the attorney(s): _____

C. Result of the conference with counsel: _____

II. 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? 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: _____

III. PLACE OF PRESENT CONFINEMENT: _____

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

B. Did you present the facts relating to this complaint in the state prisoner grievance procedure? YES NO

C. If your answer to "B" above is "Yes":

1. What steps did you take? _____

2. What was the result? _____

D. If your answer to "B" above is "No," explain why not: _____

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

Signed this _____ day of _____, 19____.

(date)

(month)

(year)

(Signature of each plaintiff)

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct. Executed on:

date

(Signature of each plaintiff)

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.)

vs.

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

I. ATTEMPT TO SECURE COUNSEL:

The Judges of this Court have requested that you be informed that they are without statutory authority to compensate an attorney in an action brought by an indigent plaintiff under Title 42 U.S.C. §1983. The State Bar of Texas sponsors a program for indigent inmates who claim that their civil rights have been violated while they have been in confinement and administrative remedies are in the Courts. You may obtain more information on this program from the Staff Counsel for Inmates, Post Office Box 99, Huntsville, Texas 77340, or by writing to the following:

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P. O. Box 12487
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1. Staff Counsel for Inmates
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4. Inmate Legal Services Project of the State Bar of Texas
5. I have not talked to a lawyer and refuse to do so.

B. The name(s) and address(es) of the attorney(s): _____

C. Result of the conference with counsel: _____

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- 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? YES NO
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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: _____

III. PLACE OF PRESENT CONFINEMENT: _____

- A. Is there a prisoner grievance procedure in this institution? YES NO
- B. Did you present the facts relating to this complaint in the state prisoner grievance procedure? YES NO
- C. If your answer to "B" above is "Yes":
1. What steps did you take? _____

 2. What was the result? _____

- D. If your answer to "B" above is "No," explain why not: _____

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

Signed this _____ day of _____, 19____.

(date)

(month)

(year)

(Signature of each plaintiff)

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct. Executed on:

_____ date

(Signature of each plaintiff)

United States District Court

EASTERN

DISTRICT OF

TEXAS

APPLICATION TO PROCEED IN FORMA PAUPERIS, SUPPORTING DOCUMENTATION AND ORDER

v.

CASE NUMBER:

I, _____, declare that I am the (check appropriate box)

petitioner/plaintiff

movant (filing 28 U.S.C. 2255 motion)

respondent/defendant

other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

In further support of this application, I answer the following questions.

1. Are you presently employed? Yes No
 - a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)
 - b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.
2. Have you received within the past twelve months any money from any of the following sources?
 - a. Business, profession or other form of self-employment Yes No
 - b. Rent payments, interest or dividends? Yes No
 - c. Pensions, annuities or life insurance payments? Yes No
 - d. Gifts or inheritances? Yes No
 - e. Any other sources? Yes No

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in checking or savings accounts?

Yes No (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned.

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes No

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

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

Executed on _____
(Date)

Signature of Applicant

CERTIFICATE
(Prisoner Accounts Only)

I certify that the applicant named herein has the sum of \$ _____ on account to his credit at the _____ institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution: _____

I further certify that during the last six months the applicant's average balance was \$ _____

Authorized Officer of Institution

ORDER OF COURT

The application is hereby denied

United States Judge Date

The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.

United States Judge or Magistrate Date