GENERAL ORDER NO. 88-15

IN THE UNITED STATES DISTRICT COURT

FILED

U. S. DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS FACTOR DISTRICT OF TEXAS

APR 0 1 1988

IN THE MATTER OF FEDERAL SPRISONERS FILING CIVIL ACTIONS UNDER 28 U.S.C. \$\$1331 OR 1346

MURITAL L. HARRIS, CLERK By Deputy Acta 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 federal prisoners filing civil actions under 28 U.S.C. \$\$1331 or 1346. To facilitate this, the following rules are also adopted:

- 1. The prescribed form for a Complaint for Civil Action for use by Federal Prisoners filing under 28 U.S.C. \$\$1331 or 1346 is attached hereto as Exhibit A. Complaints may be accepted and filed on 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 apllicant'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 28 U.S.C. \$1331 or 1346 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 petition pending its return.

SIGNED this ________, day of _________, 1988, on behalf of the court.

Chief Indae

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK EASTERN DISTRICT OF TEXAS

MURRAY L. HARRIS

211 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.

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

			ve the full name of <u>each</u> plaintiff cion.)
			re the <u>full name</u> of each defendant rion. Do not use "et al.")
I.	PRE	VIOL	S LAWSUITS:
	_	Ha v dea	e you begun other lawsuits in state or federal court ling with the same facts involved in this action or erwise relating to your imprisonment? YES
	В.	bel law	your answer to "A" is "yes," describe each lawsuit in the space ow. (If there is more than one lawsuit, describe the additional suits on another piece of paper the same size as this one, ing 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:

NO

Α.		lyou present the facts relating to your present complaint in the ernal prison grievance procedure?YES
	1.	If your answer to "A" above is "Yes," what was the result?
	2.	If your answer to "A" above is "No," explain.
В.		you present your claim to the Bureau of Prisons or other federa
	•	•
	1.	YES NO NO NEW YES," state the date such claim was submitted and what action, if any, has been taken.
	1.	If your answer is "Yes," state the date such claim was submitte
		If your answer is "Yes," state the date such claim was submitted and what action, if any, has been taken.

III. PARTIES TO THIS SUIT:

IV.

Α.	Name and address of each plaintiff:
•	Full name of each defendant, his official position, his place of employment and his full <u>mailing</u> address.
	Defendant #1:
	Defendant #2:
	Defendant #3:
	Defendant #4:
at fe te at	EMENT OF CLAIM the here as briefly as possible the facts of your case. Describe how each and and is involved. Include also the names of other persons involved, as, and places. Do not give any legal arguments or cite any cases or the cutes. If you intend to allege a number of related claims, number and such the claim in a separate paragraph. (Use as much space as you need. In each claim in a separate paragraph. (Use as much space as you need. In each claim in a separate paragraph. (Use as much space as you need. In each claim in a separate paragraph. (Use as much space as you need. In each claim in a separate paragraph. (Use as much space as you need. In each claim in a separate paragraph.)
_	
	·

·		*	
	-		
_			
		_	
		<u> </u>	
		<u> </u>	
V. RELIEF:	State briefly exact	lv what vo	u want the court to do for you. Make no
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	legal arguments. C	ite no cas	es or statutes.
	•		
Signed this		day of	·, 19
•	(date)		(month) (year)
		•	
			(Signature of <u>each</u> plaintiff.)
declare (o	r certify verify or	state) un	der penalty of perjury that the foregoing
is true and o	certify, verify of	state, un	der penalty of perguly that the foregoing
is cluc and t	.011000		
Executed on:			
_	(date)		
•			
			(Signature of each plaintiff.)
			(Signature of each plaintiff.)

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

			· · · · · · · · · · · · · · · · · · ·	
			ve the full name of <u>each</u> plaintiff tion.)	
			ve the <u>full name</u> of each defendant cion. Do not use "et al.")	
I.	PRE	VIOL	US LAWSUITS:	
	Α.	dea	ve you begun other lawsuits in state or federal court ling with the same facts involved in this action or lerwise relating to your imprisonment? YES	NC
below. (If there is more than one lawsuit, describe		bel law	your answer to "A" is "yes," describe each lawsuit in the space ow. (If there is more than one lawsuit, describe the additional suits on another piece of paper the same size as this one, ing 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	Annuarinto data of diamonitian.	
		7.	Approximate date of disposition:	

Α.		you present the facts relating to your present complaint in the ernal prison grievance procedure?
	1.	If your answer to "A" above is "Yes," what was the result?
	2.	If your answer to "A" above is "No," explain.
В.		you present your claim to the Bureau of Prisons or other federal ncy for administrative action? YES NO
	1.	If your answer is "Yes," state the date such claim was submitted and what action, if any, has been taken.
	2.	If your claim has been acted on, attach copies of any correspond you have received from the Bureau of Prisons or other federal acconcerning your claim.
c.	Are	you suing for a work-related injury? YESNO
		your answer is "Yes," state the nature of the duties you were forming when the injury occurred.

	- 3 -
. PAR	RTIES TO THIS SUIT:
Α.	Name and address of each plaintiff:
В.	Full name of each defendant, his official position, his place of employment and his full <u>mailing</u> address.
	Defendant #1:
	Defendant #2:
	Defendant #3:
	Defendant #4:
STA	TEMENT OF CLAIM
def date sta for	te here as briefly as possible the facts of your case. Describe how each endant is involved. Include also the names of other persons involved, es, and places. Do not give any legal arguments or cite any cases or tutes. If you intend to allege a number of related claims, number and set th each claim in a separate paragraph. (Use as much space as you need. ach extra pages the same size as this page if necessary.)

		- 4 -		
				·
	·		-	
		<u> </u>		
		_		
V. RELIEF: S	State briefly exa	actly what you	want the court to	do for you.
1	legal arguments.	Cite no cases	or statutes.	
				
				
		<u></u>		
				•
	(data)	$_{}$ day of $_{-}$, 19
Signed this	(date)		("KOTTELLY	
Signed this	(uate)		(monent)	
Signed this	(date)	_	(nonch)	
Signed this	(date)	- · -		
Signed this	(date)	- 		
Signed this	(date)	- 		
	certify, verify	- - 7		plaintiff.)
I declare (or is true and co	certify, verify	- - 7	Signature of <u>each</u>	plaintiff.)
I declare (or	certify, verify	- - 7	Signature of <u>each</u> r penalty of perj	plaintiff.)

United States District Court

EASTERN	DISTRICT OF	TEXAS
EASIERN	DISTRICT OF	IEVVO

٧.

APPLICATION TO PROCEED IN FORMA PAUPERIS, SUPPORTING DOCUMENTATION AND ORDER

CASE NUMBER:

	, declare that	I am the (check appropriat
petitioner/plaintiff	movant (filing 28 U.S.	C. 2255 motion)
respondent/defendant		
	C	other
required to prepay fees, cost or am unable to pay the costs of sa	g; that, in support of my request to give security therefor, I state that b iid proceeding or give security the y action, defense, or other proceed stated as follows:	ecause of my poverty, I refor; that I believe I am
In further support of this application 1. Are you presently employ	ration, I answer the following ques	itions. Yes □ No □
a. If the answer is "yes,"	state the amount of your salary of dress of your employer. (list both	r wages per month, and
		t and the amount of the
b. If the answer is "no," salary and wages per i	month which you received.	
salary and wages per i		y from any of the follow-
salary and wages per in the sa	month which you received.	y from any of the follow- Yes □ No □
salary and wages per in the sa	month which you received. the past twelve months any mone r other form of self-employment	,
salary and wages per i 2. Have you received within ing sources? a. Business, profession o	month which you received. the past twelve months any mone r other form of self-employment st or dividends?	Yes No No
2. Have you received within ing sources? a. Business, profession ob. Rent payments, interes	month which you received. the past twelve months any mone r other form of self-employment st or dividends?	Yes No No

If the answer to any of the above is "yes amount received from each during the past	," describe each source of money and state the twelve months.	
3. Do you own any cash, or do you have r Yes \(\sum \) No \(\sum \) (Include any fun If the answer is "yes," state the total v	ds in prison accounts.)	
automobiles or other valuable proper and clothing)? Yes	in any real estate, stocks, bonds, notes, ty (excluding ordinary household furnishings roperty and state its approximate value.	
List the persons who are dependent u those persons, and indicate how mucl	pon you for support, state your relationship to h you contribute toward their support.	
I declare under penalty of perjury that th Executed on	e foregoing is true and correct. Signature of Applicant	
	IFICATE ccounts Only)	
	s the sum of \$	
on account to his credit at the institution where he is confined. I further certify that his credit according to the records of said institutio	t, the applicant likewise has the following securities to n:	
I further certify that during the last six months the a **MAY SUBSTITUTE "TOTAL INCOME" DURING LAST 6 MONTHS. IF SO, PLEASE INDICATE THIS CHANGE.	Authorized Officer of Institution	**
ORDER C	OF COURT	
The application is hereby denied	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 Date	United States Judge Date or Magistrate	