

UNITED STATES DISTRICT COURTOFFICE OF THE CLERK
EASTERN DISTRICT OF TEXAS

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 \$400.00. If you pay the \$400.00 now, you must submit your check or money order made payable to the Clerk, U.S. District Court, together with your complaint. If you are permitted to proceed *in forma pauperis*, the fee is \$350 and the Court will permit you to pay the fee according to a payment plan established by the Court.

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 enclosed). If you use this form, you must answer each and every question and sign the form. If you are a federal inmate, you must obtain a certified print out of your trust fund account from the facility in which you are incarcerated. **DO NOT SEND THE COMPLAINT WITHOUT A CERTIFIED SIX (6) MONTH HISTORY OR PRINT OUT OF YOUR TRUST FUND ACCOUNT OR EQUIVALENT.** Otherwise, your case cannot be processed and will be delayed until you comply with the data sheet.

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 or supply an initial, state the name as Unknown. On page 3, list the defendant(s) 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 with their prison I.D. number and must sign the complaint on the last page. **Each plaintiff must also submit a separate and completed IFP form.** If you are bringing a civil rights lawsuit against federal employees, then your lawsuit should be filed pursuant to 28 U.S.C. § 1331. If you are bringing a Federal Tort Claims Act lawsuit under 28 U.S.C. § 1346, then the only defendant will be the United States of America.

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.

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 and in English. Do not use legal size paper. Use standard size paper (8 ½ x 11 inches) only. 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. Complaints which do not conform to these instructions will be returned with a notation as to the deficiency so they may be corrected.

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 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. A complaint submitted to the wrong court will only delay the proceedings.

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

Thank you for your cooperation.

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

(Enter above the full name and inmate number
of each plaintiff in this action)

VS.

Case No. _____
(Clerk will assign the number)

(Enter above the full name of each defendant in this action).

I. PREVIOUS LAWSUITS:

A. Have you filed *any* 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: _____

II. PLACE OF PRESENT CONFINEMENT: _____

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Pursuant to 42 U.S.C. § 1997e(a), exhaustion of administrative remedies is required prior to initiating a civil rights action or Federal Tort Claims Act lawsuit. Copies of all grievances, appeal and responses must be submitted to verify exhaustion. Failure to demonstrate exhaustion may be grounds for dismissal. The rules for federal prisoners are found at 42 C.F.R. §§ 542.10, *et seq.*

1. Informal Grievance

a. Did you submit an informal grievance _____ YES _____ NO
If so, you must attach a copy of the grievance and response.

b. If not, then why not?

2. Formal Grievance

a. Did you submit a formal grievance (BP-9)? _____ YES _____ NO
If so, you must attach a copy of the grievance and response.

b. If not, then why not?

3. Appeal to the Regional Director of the Bureau of Prisons

a. Did you timely submit an appeal to the Regional Director (BP-10)? _____ YES _____ NO
If so, you must attach a copy of the appeal and response.

b. If not, then why not?

4. Appeal to the General Counsel of the Bureau of Prisons

a. Did you timely submit an appeal to the General Counsel of the Bureau of Prisons (BP-11)? _____ YES _____ NO
If so, you must attach a copy of the appeal and response.

b. If not, then why not?

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. If you are bringing a civil rights lawsuit against federal employees, then your lawsuit should be filed pursuant to 28 U.S.C. § 1331. If you are bringing a Federal Tort Claims Act lawsuit under 28 U.S.C. § 1346, then the only defendant will be the United States of America.

Defendant #1: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #2: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where it happened, when it happened, and who was involved. Describe how each defendant is involved. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. **IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.**

