REVISED 08/05 FEDERAL 1331/1346

UNITED STATES DISTRICT COURT

OFFICE 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 ($8 \frac{1}{2} \times 11$ 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

			full name and inmate number in this action)
VS.			Case No(Clerk will assign the number)
(Ente	r above	e the	full name of each defendant in this action).
I.	PR	EVI	IOUS LAWSUITS:
	A.		ve you filed <i>any</i> other lawsuits in state or federal court dealing with the same ets involved in this action or otherwise relating to your imprisonment?YESNO
	В.		your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one vsuit, 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.	PL	PLACE OF PRESENT CONFINEMENT:						
III.	EX	EXHAUSTION OF GRIEVANCE PROCEDURES:						
	Pur act ext 42	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 grievanceYESNO 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)? YESNO 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						
IV.	a.	Did you timely submit an appeal to the Regional Director (BP-10)? If so, you must attach a copy of the appeal and response. YESNO						
	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)? YESNO If so, you must attach a copy of the appeal and response.						
	b.	If not, then why not?						
	PA	ARTIES TO THIS SUIT:						
	A.	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. 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.					
ST	ATEMENT OF CLAIM:					
hap any par	te here in a short and plain statement the facts of your case, that is, what happened, where it happened, when it pened, and who was involved. Describe how <u>each</u> defendant is involved. Do not give any legal arguments or cite cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate agraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF DU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.					

V.

	ELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. stutes.	Cite no cases o	r
GF	ENERAL BACKGROUND INFORMATION:		
	ENERAL BACKGROUND INFORMATION: State, in complete form, all names you have ever used or been known by including any and all	aliases:	
A.			 BI
А. В.	State, in complete form, all names you have ever used or been known by including any and all List all prisoner identification numbers you have ever been assigned and all other state or feder		 BI
A. B.	State, in complete form, all names you have ever used or been known by including any and all List all prisoner identification numbers you have ever been assigned and all other state or feder numbers ever assigned to you, if known to you.		
A. B. SA	State, in complete form, all names you have ever used or been known by including any and all List all prisoner identification numbers you have ever been assigned and all other state or fede numbers ever assigned to you, if known to you. ANCTIONS:	ral prison or F	
A. B. SA	State, in complete form, all names you have ever used or been known by including any and all List all prisoner identification numbers you have ever been assigned and all other state or feder numbers ever assigned to you, if known to you. ANCTIONS: Have you been sanctioned by any court as a result of any lawsuit you have filed? 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	eral prison or F	NO
A. B. SA	List all prisoner identification numbers you have ever been assigned and all other state or feder numbers ever assigned to you, if known to you. ANCTIONS: Have you been sanctioned by any court as a result of any lawsuit you have filed? 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):	eral prison or F	NO
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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 wa	arning (if federal, give the dis	trict and division):		
	2.	2. Docket Number:				
	3.	Approximate date war	nings were imposed:			
Signed this		day of		, 20 (y ear)		
	(date)	(month)	(y ear)		
				(Signature of <u>each</u> plaintiff)		
				NALTY OF PERJURY THAT THE FOREGOING N PAGES, ARE TRUE AND CORRECT.		
Executed on	ı:					
		(Date)				
				(Signature of each plaintiff)		

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.