



Prisoner Civil Rights Complaint

Instructions

The following instructions are offered to assist prisoners who intend to file an action in federal court. Failure to comply with these instructions will cause delays in handling your case and could even cause the case to be dismissed.

1. The complaint must be legible – printed or typewritten – and all documents must be signed by all the plaintiffs. Answer each question in the complaint form.
2. The complaint should clearly identify each individual defendant who is being sued and include a brief description of the facts giving rise to the claim(s) against each individual defendant. All of the claims described in the complaint should arise out of the same set of facts. (Claims arising out of different sets of facts should be presented in separate actions.)
3. The event(s) giving rise to the claim(s) must have occurred in Minnesota and/or the named defendant(s) must reside in Minnesota.
4. The complaint should clearly describe the relief that is requested.
 - a. Injunctive relief and/or money damages may be available under 42 U.S.C. § 1983 for state prisoners who have been deprived of a federal constitutional right by a person acting under color of state law.
 - b. Similar relief may be available under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971) for federal prisoners who have been deprived of a federal constitutional right by a person acting under color of federal law.
 - c. A prisoner CANNOT challenge the fact or duration of his or her confinement in a civil rights action. A prisoner can challenge a conviction, an original sentence, or any action extending the time that must be served in prison ONLY in a habeas corpus proceeding.
5. The complaint must be signed by the prisoner making the claim, under penalty of perjury. Any false statement of a material fact may result in criminal prosecution for perjury.
6. To start a prisoner civil rights action, a prisoner must submit the following documents:
 - (a) Complete the Court's Civil Rights Complaint form;
 - (b) Complete the Civil Cover Sheet; and
 - (c) Pay **EITHER** the \$402.00 filing fee **OR** submit a completed Application to Proceed in District Court without Prepaying Fees or Costs (IFP application) form **AND** the initial partial filing fee required by 28 U.S.C. § 1915(b)(1).

7. When you have completed the form, send the signed original to the following address:

United States District Court, District of Minnesota Clerk's Office
Diana E. Murphy U.S. Courthouse
300 South Fourth Street, Suite 202
Minneapolis, MN 55415

(612) 664-5000

8. If you are paying the full \$402.00 filing fee you must:
 - a. Complete the summons you receive from the Clerk's Office after your case is opened; and
 - b. Make your own arrangements for serving a copy of the summons and complaint on each defendant. See Rule 4 of the Federal Rules of Procedure for more information.
9. For more information on how to proceed in Court in a prisoner civil rights case, consult the Court's Prisoner Civil Rights Litigation Guide. You can obtain a copy of this Guide by contacting the Clerk's Office at the contact information provided above.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Plaintiff(s),

(Enter the full name(s) of ALL plaintiff(s)
and prisoner number(s) in this action.)

vs.

Case No. _____
(To be assigned by Clerk of District Court)

DEMAND FOR JURY TRIAL

YES____ NO____

Defendant(s).

(Enter the full name(s) of ALL defendants in
this action. Please attach additional sheets
if necessary).

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER
42 U.S.C. § 1983

I. 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 in the last three years?

Yes

No

B. If you answer to (a) is “yes”, describe each lawsuit in the space below.

1. Parties to the previous lawsuit:

Plaintiffs:

Defendants:

2. Court (If federal court, name the district. If state court, name the state and county.):

3. Case Number:

4. Name of judge assigned to the case:

5. Cause of action (Cite the statute under which you filed and write a brief statement of the case):

6. Disposition or final determination of the case (for example, dismissed or appealed).

7. Approximate date of filing the lawsuit:

8. Approximate date of disposition or final determination of the lawsuit:

Attach a copy of the disposition or final determination of the lawsuit if it was filed in a court other than the U.S. District Court for the District of Minnesota.

If there was more than one lawsuit, describe the additional lawsuits on a separate sheet of paper answering the same questions in the same order as above in Question 1(b). Label this information as Question 1(b).

Check here if additional sheets of paper are attached.

II. PRESENT PLACE OF CONFINEMENT

A. Is there a prisoner grievance procedure in the institution?

Yes

No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure?

Yes

No

C. If you answered “yes” to question II.B.:

1. What steps did you take:

2. What was the result?

Attach a copy of the decision or disposition received from the prisoner grievance procedure.

D. If you answered “no” to question II.B., explain why you did not present the facts relating to your complaint in a prisoner grievance procedure.

III. PARTIES

List your name, prisoner number, address and telephone number. Do the same for any additional plaintiffs. Attach an additional sheet of paper, if necessary.

A. Name of Plaintiff:

Prisoner Number

Address

Additional Plaintiffs:

Provide each defendant's full name, official position, and place of employment. Attach additional sheets of paper, if necessary.

B. Name:

Official Position:

Employer's Address:

Additional Defendants:

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached:

Please label the attached sheets of paper as II.A. for Plaintiffs and II.B. for Defendants.

IV. STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. Describe how each individual defendant is personally involved, including dates, places and specific wrongful acts or omissions by each defendant. Each factual allegation should be provided in separately lettered paragraphs, beginning with letter A. Do not make any legal arguments or cite any cases or statutes.

A.

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached:

Please label the attached sheets of paper to as Additional Facts and continue to letter the paragraphs consecutively.

V. REQUEST FOR RELIEF

State briefly exactly what you want the Court to do for you. Do not make any legal arguments or cite any cases or statutes.

I (We) hereby certify under penalty of perjury that the above complaint is true to the best of my (our) information, knowledge, and belief.

Signed this day of , 20

Signature(s) of Plaintiff(s) _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.