

Instructions for Filing a Civil Rights Complaint Under 42 U.S.C. §1983: Prisoner Cases

Note: Pursuant to the Prison Litigation Reform Act (PLRA), 42 U.S.C. §1997e requires prisoners to exhaust available administrative remedies before initiating a prison condition case under 42 U.S.C. §1983. Failure to exhaust such remedies will result in dismissal of your case.

Enclosed is a §1983 complaint form, a Petition and Affidavit to Proceed *in forma pauperis*, including an Authorization for Release of Institution Account Information, Payment of the Filing Fee and an information sheet. The filing fee is \$350, which must be paid at the time the action is filed. If you are unable to pay the fee, you may petition the court for leave to proceed *in forma pauperis*. (See enclosed information sheet).

Instructions:

1. You must file with the Clerk of the United States District Court only an **ORIGINAL COMPLAINT**. You also should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten or typed. The complaint must be signed by each plaintiff and should include the prisoner identification number of each plaintiff. The complaint need not be notarized. Answer each question to the best of your knowledge and belief. Be concise.
3. Provide facts supporting your claims. You must explain what each defendant did to violate your federal rights. Include the relief you are requesting from the court.
4. Please try to keep your complaint to the space provided. However, if you need additional space to answer a question or state your claim, attach blank pages to the form. Do not use the back of the form.
5. If you are unable to prepay the filing fee, you may petition the court for leave to proceed *in forma pauperis* by completing and signing, under penalty of perjury, the enclosed petition and financial affidavit. This need not be notarized. Each plaintiff who seeks to file *in forma pauperis* must complete a petition and affidavit.
6. You must also file a certified copy of your trust fund account statement for the six month period immediately preceding the filing of the complaint.
7. When these forms are properly completed, mail them to:

Clerk, United States District Court
United States Courthouse
P. O. Box 432
Madison, Wisconsin 53701-0432

Information to Prisoners Seeking Leave to Proceed with a Civil Action in Federal Court *In Forma Pauperis* Pursuant to 28 U.S.C. §1915.

In accordance with the provisions of the Prison Litigation Reform Act (PLRA) which amended the *in forma pauperis* (IFP) statute, once a prisoner is permitted to file a civil action, the prisoner is responsible for the full filing fee of \$350, even if the prisoner is granted leave to proceed IFP.

If you do not have enough money to prepay the full filing fee when your action is filed, you may request leave to proceed IFP. If you are granted leave to proceed, your complaint will not be served on the defendants unless the court determines that you have no income and no deposits to your prison account or until the court has assessed and collected an initial partial filing fee of 20 percent of:

1. the average monthly deposits to your account for the preceding six-month period, or
2. the average balance in your account for that same six-month period, whichever sum is greater.

After you have paid your initial fee, you must make monthly payments to the court equal to 20 percent of your preceding month's income until the \$350 filing fee is paid in full.

To proceed with an action, you must complete the enclosed petition and affidavit of indigency and return it to the court with your ORIGINAL COMPLAINT and a certified copy of your prison trust account statement showing transactions for the last six months.

Regardless whether some or all of the filing fee has been paid, the court is required to screen your complaint and to dismiss it if (1) your allegation of poverty is untrue; (2) the action is frivolous or malicious; (3) your complaint does not state a claim on which relief can be granted; or (4) you sue a defendant for money damages and that defendant is immune from liability for money damages. 28 U.S.C. §1915(e).

No action may be brought with respect to prison conditions under 42 U.S.C. §1983 or any other federal law by a prisoner confined in a correctional institution until any available administrative remedies are exhausted; that is, until you have sought relief through administrative channels and been denied such relief. 42 U.S.C. §1997e.

Please note: If you file more than three actions while you are a prisoner that are dismissed as frivolous or malicious or for failure to state a claim on which relief can be granted, the PLRA prohibits you from requesting leave to proceed IFP in any other action unless you are in imminent danger or serious physical injury. 28 U.S.C. §1915.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

(Full name of plaintiff(s))

Case Number:

VS

(Supplied by clerk)

(Full name of defendant(s))

COMPLAINT UNDER THE CIVIL RIGHTS ACT,
TITLE 42 U.S.C. §1983

I. PLACE OF PRESENT CONFINEMENT: _____

II. PARTIES:

A. Your name (Plaintiff(s)): _____

B. Your address: _____

C. Defendant (name): _____

is employed as: _____

at: _____

occurrence involved in this action.

]YES

]NO

1. Parties to previous lawsuit:

Plaintiff(s):

Defendant(s):

B. In which court was the lawsuit brought. (if in federal court, name the district; if in state court, name the county.):

C. Docket number (if you know it):

D. Current status of the case (for example: Was the case dismissed? Was it appealed? Is it still pending?):

E. Approximate date the case was filed:

F. Approximate date of disposition:

Complaint signed this ____ day of _____, 20____.

(Signature of plaintiff(s))