

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
222 West 7th Avenue #4
Anchorage, Alaska 99513-7564
(907) 677-6100

INSTRUCTIONS FOR FILING COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(NON-PRISONERS)

If you are representing yourself without a lawyer, you should carefully read this Court's handbook, "Representing Yourself in Alaska's Federal Court," which can be obtained from the Clerk's Office. The handbook should help guide you in proceeding on your own before this Court.

A civil rights suit, under 42 U.S.C. § 1983, is an action against a person who has acted under **color of state law** (such as a state official or employee) to deprive a person of rights under the Constitution or laws of the United States. To bring a civil rights action, you must have had **your** civil rights violated. You may not normally sue a defendant for the violation of someone else's civil rights. Your complaint can be brought in this Court only if at least one of the named defendants is located within this district (Alaska).

As explained below, check to make sure to send the following (fully completed) to the Court:

1. JS-44 Civil Cover Sheet
2. § 1983 complaint form
3. Summons forms
4. Application to Waive the Filing Fee, or \$400.00.

**YOU MUST COMPLY WITH THE FOLLOWING INSTRUCTIONS
BEFORE THE CLERK WILL FILE YOUR COMPLAINT.**

To start an action, you should file your § 1983 complaint on the form furnished by the Court. You should also keep a copy for your own records.¹ Your complaint must list ALL the defendants.

¹ If you request copies of documents from the Clerk of Court, they will be provided to you at *five cents per page*. Unless the Court orders otherwise, this is the case even if the filing fee has been waived.

Your complaint and all other documents must be legibly handwritten or typewritten. **Do not write on the back of the complaint form.** If you need more space, attach additional sheets of paper of the same (8 1/2 x 11) size.

You are required to give **dates** and **facts** in support of each claim. Please write the facts in your own words, as if you were briefly telling someone what happened to you. Describe how each defendant, by name, violated your civil rights. You must sign and declare under penalty of perjury that all facts in your complaint are correct. **THE COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.**

You are required to present the following documents with your complaint:

- (1) A completed JS-44, **Civil Cover Sheet**, in original only.
- (2) A completed **summons** for each defendant, which must include:
 - (a) the case caption identical to the case caption on the complaint listing **ALL DEFENDANTS**;
 - (b) the complete name and address of the specific defendant to be served; and
 - (c) your name and address under "plaintiff's attorney."

You must send either the **\$400.00 filing fee** or, if you are unable to pay the full filing fee at this time, a completed Application to Waive the Filing Fee. Carefully read the information sheet, and fully fill out the form, if you chose to apply for a fee waiver. You must use the application form provided by the Court, and not any other version. Send the application to the Court, and keep a copy for your own records.

In addition, if the Court waives the filing fee, it is required to review your complaint before service, and to dismiss if your action (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.

You will be notified as soon as the Court issues an order in your case. It is your responsibility to keep the Court informed if you change your address, to ensure you receive all Court orders. Otherwise, your case may be dismissed.

Once completed, your forms and your filing fee or application to waive the filing fee, should be sent to the Clerk of Court in the appropriate office. The Clerk's offices are listed in District Court's handbook, "Representing Yourself in Alaska's Federal Court," and on the Court's website:
<http://www.akd.uscourts.gov/>.

Filing Documents After Service of the Complaint

You must serve the defendant(s) with a copy of every document you send to the Court for filing. Each document should have a proper "Certificate of Service." The following is an example of a certificate of service, which should appear following your signature at the end of the document:

I hereby certify that a copy of the above (name of document) was served upon (name of opposing party or counsel, if counsel is representing the opposing party) by (mail/fax/hand-delivery) at (address) on (date).

(Signature)