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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
89 Vance Edward Bradley,  
10 Plaintiff,

No. CV 14-00063-PHX-DGC (BSB)

11 vs.

**ORDER**12 Joseph M. Arpaio, et al.,  
13 Defendants.  
14

15 On January 13, 2014, Plaintiff Vance Edward Bradley, who is confined in the  
16 Maricopa County Towers Jail, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C.  
17 § 1983 (Doc. 1) and an Application to Proceed *In Forma Pauperis* (Doc. 2). On  
18 February 7, 2014, Plaintiff filed a First Amended Complaint (Doc. 5).<sup>1</sup> On February 18,  
19 2014, Plaintiff filed a “Motion to Set Case to Class Action Status” (Doc. 6), and on  
20 March 24, 2014, he filed a “Motion for Waiver of Service of Summons” (Doc. 8). Also  
21 on March 24, 2014, Plaintiff filed a document titled “Notice of Filing Supplemental Facts  
22 in Support of First Amended Complaint Just Recently Obtained” (Doc. 9). On April 8,  
23 2014, Plaintiff filed a “Submittal of Supplemental Facts in Support of First Amended  
24 Complaint” (Doc. 10). The Court will grant the Application to Proceed and will dismiss  
25 the First Amended Complaint with leave to amend. The Court will deny the other  
26 motions.

27  
28 <sup>1</sup> Because Plaintiff filed his First Amended Complaint prior to screening, it is the operative complaint and the Court will treat the original Complaint (Doc. 1) as nonexistent. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992).

1     **I.     Application to Proceed *In Forma Pauperis* and Filing Fee**

2             Plaintiff’s Application to Proceed *In Forma Pauperis* will be granted. 28 U.S.C.  
3     § 1915(a). Plaintiff must pay the statutory filing fee of \$350.00. 28 U.S.C. § 1915(b)(1).  
4     The Court will not assess an initial partial filing fee. *Id.* The statutory filing fee will be  
5     collected monthly in payments of 20% of the previous month’s income credited to  
6     Plaintiff’s trust account each time the amount in the account exceeds \$10.00. 28 U.S.C.  
7     § 1915(b)(2). The Court will enter a separate Order requiring the appropriate government  
8     agency to collect and forward the fees according to the statutory formula.

9     **II.     Statutory Screening of Prisoner Complaints**

10            The Court is required to screen complaints brought by prisoners seeking relief  
11     against a governmental entity or an officer or an employee of a governmental entity. 28  
12     U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if a plaintiff  
13     has raised claims that are legally frivolous or malicious, that fail to state a claim upon  
14     which relief may be granted, or that seek monetary relief from a defendant who is  
15     immune from such relief. 28 U.S.C. § 1915A(b)(1), (2).

16            A pleading must contain a “short and plain statement of the claim *showing* that the  
17     pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2) (emphasis added). While Rule 8  
18     does not demand detailed factual allegations, “it demands more than an unadorned, the-  
19     defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678  
20     (2009). “Threadbare recitals of the elements of a cause of action, supported by mere  
21     conclusory statements, do not suffice.” *Id.*

22            “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a  
23     claim to relief that is plausible on its face.’” *Id.* (quoting *Bell Atlantic Corp. v. Twombly*,  
24     550 U.S. 544, 570 (2007)). A claim is plausible “when the plaintiff pleads factual  
25     content that allows the court to draw the reasonable inference that the defendant is liable  
26     for the misconduct alleged.” *Id.* “Determining whether a complaint states a plausible  
27     claim for relief [is] . . . a context-specific task that requires the reviewing court to draw  
28     on its judicial experience and common sense.” *Id.* at 679. Thus, although a plaintiff’s

1 specific factual allegations may be consistent with a constitutional claim, a court must  
2 assess whether there are other “more likely explanations” for a defendant’s conduct. *Id.*  
3 at 681.

4 But as the United States Court of Appeals for the Ninth Circuit has instructed,  
5 courts must “continue to construe *pro se* filings liberally.” *Hebbe v. Pliler*, 627 F.3d 338,  
6 342 (9th Cir. 2010). A “complaint [filed by a *pro se* prisoner] ‘must be held to less  
7 stringent standards than formal pleadings drafted by lawyers.’” *Id.* (quoting *Erickson v.*  
8 *Pardus*, 551 U.S. 89, 94 (2007) (*per curiam*)).

9 If the Court determines that a pleading could be cured by the allegation of other  
10 facts, a *pro se* litigant is entitled to an opportunity to amend a complaint before dismissal  
11 of the action. *See Lopez v. Smith*, 203 F.3d 1122, 1127-29 (9th Cir. 2000) (*en banc*).  
12 Plaintiff’s Complaint will be dismissed for failure to state a claim, but because it may  
13 possibly be amended to state a claim, the Court will dismiss it with leave to amend.

### 14 **III. First Amended Complaint**

15 Plaintiff’s First Amended Complaint names the following Defendants: Joseph M.  
16 Arpaio, John and Jane Doe Supervisor, Unknown Detention Officers, and Tom and Judy  
17 Woe. The Complaint appears to raise claims for relief regarding medical care and the  
18 conditions of confinement at the Maricopa County Towers, Durango, Fourth Avenue and  
19 Lower Buckeye Jails. Plaintiff seeks declaratory and injunctive relief and damages.

#### 20 **A. Supplemental Facts**

21 Since filing his First Amended Complaint, Plaintiff has filed two sets of  
22 “Supplemental Facts” (Docs. 9, 10), which appear to supplement the allegations in his  
23 First Amended Complaint. The Court will not consider any allegations made in these  
24 documents. Plaintiff must include all of his allegations in his complaint. If Plaintiff  
25 seeks to add additional allegations and/or Defendants, Plaintiff must seek leave to amend  
26 his complaint in accordance with Federal Rule of Civil Procedure 15. Accordingly, the  
27 Court will not consider the additional allegations in the Supplemental Facts (Docs. 9, 10)  
28 in evaluating the sufficiency of Plaintiff’s First Amended Complaint.

1           **B. Failure to Comply with Rules 8 and 10 of the Federal Rules of Civil**  
2           **Procedure**

3           Local Rule 3.4 requires prisoners to use a court-approved form complaint.  
4           Plaintiff did not use this form, and the Court will dismiss the First Amended Complaint  
5           with leave to file a second amended complaint using this District’s approved form.

6           Moreover, Rule 8(a) of the Federal Rules of Civil Procedure requires a “short and  
7           plain statement of the claim.” Fed. R. Civ. P. 8(a)(2). Rule 8(d)(1) states that “[e]ach  
8           allegation must be simple, concise, and direct.” A complaint having the factual elements  
9           of a cause of action scattered throughout the complaint and not organized into a “short  
10          and plain statement of the claim” may be dismissed for failure to satisfy Rule 8(a). *See*  
11          *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 640 (9th Cir. 1988); *see also McHenry v.*  
12          *Renne*, 84 F.3d 1172 (9th Cir. 1996). Rule 10(b) of the Federal Rules of Civil Procedure  
13          also requires a plaintiff to state claims in “numbered paragraphs, each limited as far as  
14          practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). Moreover, “[i]f  
15          doing so would promote clarity, each claim founded on a separate transaction or  
16          occurrence . . . must be stated in a separate count.” Fed. R. Civ. P. 10(b). It is not the  
17          responsibility of the Court to review a rambling narrative in an attempt to determine the  
18          number and nature of a plaintiff’s claims.

19          As noted above, Plaintiff failed to use the court-approved form for his First  
20          Amended Complaint. Moreover, Plaintiff’s First Amended Complaint is 28 pages long  
21          and, in each count, appears to raise multiple claims. Thus, the Court cannot meaningfully  
22          review the Complaint, as required by 28 U.S.C. § 1915A(a). The Court will accordingly  
23          dismiss the First Amended Complaint with leave to file a second amended complaint  
24          using the court-approved form in compliance with the Instructions.

25          In preparing a second amended complaint, Plaintiff should comply with the  
26          Instructions, including the page limitation, and legibly complete the form complaint.  
27          Plaintiff should identify the civil right allegedly violated in each count by checking the  
28          appropriate box. For each count, Plaintiff should allege when, where, and how any

1 named Defendant violated the right at issue and how he was injured by the violation of  
2 that right. Plaintiff should repeat this process for each count.

#### 3 **IV. Leave to Amend**

4 For the foregoing reasons, Plaintiff's First Amended Complaint will be dismissed  
5 for failure to state a claim upon which relief may be granted. Within 30 days, Plaintiff  
6 may submit a second amended complaint to cure the deficiencies outlined above. The  
7 Clerk of Court will mail Plaintiff a court-approved form to use for filing a second  
8 amended complaint. If Plaintiff fails to use the court-approved form, the Court may  
9 strike the amended complaint and dismiss this action without further notice to Plaintiff.

10 If Plaintiff files a second amended complaint, Plaintiff must write *short, plain*  
11 statements telling the Court: (1) the constitutional right Plaintiff believes was violated;  
12 (2) the name of the Defendant who violated the right; (3) exactly what that Defendant did  
13 or failed to do; (4) how the action or inaction of that Defendant is connected to the  
14 violation of Plaintiff's constitutional right; and (5) what specific injury Plaintiff suffered  
15 because of that Defendant's conduct. *See Rizzo v. Goode*, 423 U.S. 362, 371-72, 377  
16 (1976).

17 Plaintiff must repeat this process for each person he names as a Defendant. If  
18 Plaintiff fails to affirmatively link the conduct of each named Defendant with the specific  
19 injury suffered by Plaintiff, the allegations against that Defendant will be dismissed for  
20 failure to state a claim. **Conclusory allegations that a Defendant or group of**  
21 **Defendants has violated a constitutional right are not acceptable and will be**  
22 **dismissed.**

23 Plaintiff must clearly designate on the face of the document that it is the "Second  
24 Amended Complaint." The second amended complaint must be retyped or rewritten in  
25 its entirety on the court-approved form and may not incorporate any part of the original  
26 Complaint by reference. **Plaintiff may include only one claim per count.**

27 A second amended complaint supersedes the original and first amended  
28 complaints. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992); *Hal Roach Studios*

1 v. *Richard Feiner & Co.*, 896 F.2d 1542, 1546 (9th Cir. 1990). After amendment, the  
2 Court will treat the original and first amended complaints as nonexistent. *Ferdik*, 963  
3 F.2d at 1262. Any cause of action that was raised in the original or first amended  
4 complaint and that was voluntarily dismissed or was dismissed without prejudice is  
5 waived if it is not alleged in a second amended complaint. *Lacey v. Maricopa County*,  
6 693 F.3d 896, 928 (9th Cir. 2012) (en banc).

## 7 **V. Motions**

### 8 **A. Motion to Set Case to Class Action Status**

9 Plaintiff has asked the Court to certify this case as a class action. The Court will  
10 deny Plaintiff's request. Plaintiff is not an attorney. Accordingly, although Plaintiff may  
11 appear on his own behalf, he may not appear as an attorney for other persons in a class  
12 action. *McShane v. United States*, 366 F.2d 286, 288 (9th Cir. 1966) (nonlawyer had no  
13 authority to appear as an attorney for other persons in a purported class action); *Oxendine*  
14 *v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975) (plain error to permit an inmate  
15 proceeding pro se to represent fellow inmates in a class action). "This rule is an  
16 outgrowth not only of the belief that a layman, untutored in the law, cannot 'adequately  
17 represent' the interests of the members of the 'class,' but also out of the long-standing  
18 general prohibition against even attorneys acting as both class representative and counsel  
19 for the class." *Huddleston v. Duckworth*, 97 F.R.D. 512, 514 (N.D. Ind. 1983).

### 20 **B. Motion for Waiver of Service of Summons**

21 Because the Court is dismissing the First Amended Complaint and there is no  
22 complaint currently before the Court, the Court will deny as moot the Motion for Waiver  
23 of Service of Summons.

## 24 **VI. Warnings**

### 25 **A. Release**

26 Plaintiff must pay the unpaid balance of the filing fee within 120 days of his  
27 release. Also, within 30 days of his release, he must either (1) notify the Court that he  
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1 intends to pay the balance or (2) show good cause, in writing, why he cannot. Failure to  
2 comply may result in dismissal of this action.

3 **B. Address Changes**

4 Plaintiff must file and serve a notice of a change of address in accordance with  
5 Rule 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion  
6 for other relief with a notice of change of address. Failure to comply may result in  
7 dismissal of this action.

8 **C. Copies**

9 Plaintiff must submit an additional copy of every filing for use by the Court. *See*  
10 LRCiv 5.4. Failure to comply may result in the filing being stricken without further  
11 notice to Plaintiff.

12 **D. Possible “Strike”**

13 Because the Complaint has been dismissed for failure to state a claim, if Plaintiff  
14 fails to file an amended complaint correcting the deficiencies identified in this Order, the  
15 dismissal may count as a “strike” under the “3-strikes” provision of 28 U.S.C. § 1915(g).  
16 Under the 3-strikes provision, a prisoner may not bring a civil action or appeal a civil  
17 judgment *in forma pauperis* under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more  
18 prior occasions, while incarcerated or detained in any facility, brought an action or appeal  
19 in a court of the United States that was dismissed on the grounds that it is frivolous,  
20 malicious, or fails to state a claim upon which relief may be granted, unless the prisoner  
21 is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

22 **E. Possible Dismissal**

23 If Plaintiff fails to timely comply with every provision of this Order, including  
24 these warnings, the Court may dismiss this action without further notice. *See Ferdik*, 963  
25 F.2d at 1260-61 (a district court may dismiss an action for failure to comply with any  
26 order of the Court).

27 **IT IS ORDERED:**

28 (1) Plaintiff’s Application to Proceed *In Forma Pauperis* (Doc. 2) is **granted**.

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(2) As required by the accompanying Order to the appropriate government agency, Plaintiff must pay the \$350.00 filing fee and is not assessed an initial partial filing fee.

(3) The First Amended Complaint (Doc. 5) is **dismissed** for failure to state a claim. Plaintiff has **30 days** from the date this Order is filed to file a second amended complaint in compliance with this Order.

(4) If Plaintiff fails to file a second amended complaint within 30 days, the Clerk of Court must, without further notice, enter a judgment of dismissal of this action with prejudice that states that the dismissal may count as a “strike” under 28 U.S.C. § 1915(g).

(5) Plaintiff’s “Motion to Set Case to Class Action Status” (Doc. 6) and “Motion for Waiver of Service of Summons” (Doc. 8) are **denied**.

(6) The Clerk of Court must mail Plaintiff a court-approved form for filing a civil rights complaint by a prisoner.

Dated this 16th day of May, 2014.



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David G. Campbell  
United States District Judge



**Instructions for a Prisoner Filing a Civil Rights Complaint  
in the United States District Court for the District of Arizona**

1. Who May Use This Form. The civil rights complaint form is designed to help incarcerated persons prepare a complaint seeking relief for a violation of their federal civil rights. These complaints typically concern, but are not limited to, conditions of confinement. **This form should not be used to challenge your conviction or sentence.** If you want to challenge a state conviction or sentence, you should file a petition under 28 U.S.C. § 2254 for a writ of habeas corpus by a person in state custody. If you want to challenge a federal conviction or sentence, you should file a motion under 28 U.S.C. § 2255 to vacate sentence in the federal court that entered the judgment.
  
2. The Form. **Local Rule of Civil Procedure (LRCiv) 3.4(a) provides that complaints by incarcerated persons must be filed on the court-approved form.** The form must be typed or neatly handwritten. The form must be completely filled in to the extent applicable. All questions must be answered clearly and concisely in the appropriate space on the form. If needed, you may attach additional pages, **but no more than fifteen additional pages**, of standard letter-sized paper. You must identify which part of the complaint is being continued and number all pages. If you do not fill out the form properly, you will be asked to submit additional or corrected information, which may delay the processing of your action. You do not need to cite law.
  
3. Your Signature. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
  
4. The Filing and Administrative Fees. The total fees for this action are \$400.00 (\$350.00 filing fee plus \$50.00 administrative fee). If you are unable to immediately pay the fees, you may request leave to proceed *in forma pauperis*. Please review the “Information for Prisoners Seeking Leave to Proceed with a (Non-Habeas) Civil Action in Federal Court *In Forma Pauperis* Pursuant to 28 U.S.C. § 1915” for additional instructions.
  
5. Original and Judge’s Copy. You must send an **original plus one copy** of your complaint and of any other documents submitted to the Court. You must send one additional copy to the Court if you wish to have a file-stamped copy of the document returned to you. All copies must be identical to the original. Copies may be legibly handwritten.
  
6. Where to File. You should file your complaint in the division **where you were confined when your rights were allegedly violated.** See LRCiv 5.1(a) and 77.1(a). If you were confined in Maricopa, Pinal, Yuma, La Paz, or Gila County, file in the Phoenix Division. If you were confined in Apache, Navajo, Coconino, Mohave, or Yavapai County, file in the Prescott Division. If you were confined in Pima, Cochise, Santa Cruz, Graham, or Greenlee County, file in the Tucson Division. **Mail the original and one copy of the complaint with the \$400 filing and administrative fees or the application to proceed *in forma pauperis* to:**

Phoenix & Prescott Divisions:  
U.S. District Court Clerk  
U.S. Courthouse, Suite 130  
401 West Washington Street, SPC 10  
Phoenix, Arizona 85003-2119

**OR**

Tucson Division:  
U.S. District Court Clerk  
U.S. Courthouse, Suite 1500  
405 West Congress Street  
Tucson, Arizona 85701-5010

7. Change of Address. You must immediately notify the Court and the defendants in writing of any change in your mailing address. **Failure to notify the Court of any change in your mailing address may result in the dismissal of your case.**

8. Certificate of Service. You must furnish the defendants with a copy of any document you submit to the Court (except the initial complaint and application to proceed *in forma pauperis*). Each original document (except the initial complaint and application to proceed *in forma pauperis*) must include a certificate of service on the last page of the document stating the date a copy of the document was mailed to the defendants and the address to which it was mailed. See Fed. R. Civ. P. 5(a), (d). Any document received by the Court that does not include a certificate of service may be stricken. A certificate of service should be in the following form:

I hereby certify that a copy of the foregoing document was mailed  
this \_\_\_\_\_ (month, day, year) to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Attorney for Defendant(s)

\_\_\_\_\_  
(Signature)

9. Amended Complaint. If you need to change any of the information in the initial complaint, you must file an amended complaint. The amended complaint must be written on the court-approved civil rights complaint form. You may file one amended complaint without leave (permission) of Court before any defendant has answered your original complaint. See Fed. R. Civ. P. 15(a). After any defendant has filed an answer, you must file a motion for leave to amend and lodge (submit) a proposed amended complaint. LRCiv 15.1. In addition, an amended complaint may not incorporate by reference any part of your prior complaint. LRCiv 15.1(a)(2). **Any allegations or defendants not included in the amended complaint are considered dismissed.** All amended complaints are subject to screening under the Prison Litigation Reform Act; screening your amendment will take additional processing time.

10. Exhibits. You should not submit exhibits with the complaint or amended complaint. Instead, the relevant information should be paraphrased. You should keep the exhibits to use to support or oppose a motion to dismiss, a motion for summary judgment, or at trial.

11. Letters and Motions. It is generally inappropriate to write a letter to any judge or the staff of any judge. The only appropriate way to communicate with the Court is by filing a written pleading or motion.

## 12. Completing the Civil Rights Complaint Form.

### **HEADING:**

1. Your Name. Print your name, prison or inmate number, and institutional mailing address on the lines provided.
2. Defendants. If there are **four or fewer** defendants, print the name of each. If you name **more than four** defendants, print the name of the first defendant on the first line, write the words “and others” on the second line, and attach an additional page listing the names of **all** of the defendants. Insert the additional page after page 1 and number it “1-A” at the bottom.
3. Jury Demand. If you want a jury trial, you must write “JURY TRIAL DEMANDED” in the space below “CIVIL RIGHTS COMPLAINT BY A PRISONER.” Failure to do so may result in the loss of the right to a jury trial. A jury trial is not available if you are seeking only injunctive relief.

### **Part A. JURISDICTION:**

1. Nature of Suit. Mark whether you are filing the complaint pursuant to 42 U.S.C. § 1983 for state, county, or city defendants; “Bivens v. Six Unknown Federal Narcotics Agents” for federal defendants; or “other.” If you mark “other,” identify the source of that authority.
2. Location. Identify the institution and city where the alleged violation of your rights occurred.
3. Defendants. Print all of the requested information about each of the defendants in the spaces provided. If you are naming more than four defendants, you must provide the necessary information about each additional defendant on separate pages labeled “2-A,” “2-B,” etc., at the bottom. Insert the additional page(s) immediately behind page 2.

### **Part B. PREVIOUS LAWSUITS:**

You must identify any other lawsuit you have filed in either state or federal court while you were a prisoner. Print all of the requested information about each lawsuit in the spaces provided. If you have filed more than three lawsuits, you must provide the necessary information about each additional lawsuit on a separate page. Label the page(s) as “2-A,” “2-B,” etc., at the bottom of the page and insert the additional page(s) immediately behind page 2.

### **Part C. CAUSE OF ACTION:**

You must identify what rights each defendant violated. The form provides space to allege three separate counts (**one violation per count**). If you are alleging more than three counts, you must provide the necessary information about each additional count on a separate page. Number the additional pages “5-A,” “5-B,” etc., and insert them immediately behind page 5. Remember that you are limited to a total of fifteen additional pages.

1. Counts. You must identify which civil right was violated. **You may allege the violation of only one civil right per count.**

2. Issue Involved. Check the box that most closely identifies the issue involved in your claim. **You may check only one box per count.** If you check the box marked "Other," you must identify the specific issue involved.

3. Supporting Facts. After you have identified which civil right was violated, you must state the supporting facts. Be as specific as possible. You must state what each individual defendant did to violate your rights. If there is more than one defendant, you must identify which defendant did what act. You also should state the date(s) on which the act(s) occurred, if possible.

4. Injury. State precisely how you were injured by the alleged violation of your rights.

5. Administrative Remedies. You must exhaust any available administrative remedies before you file a civil rights complaint. See 42 U.S.C. § 1997e. Consequently, you should disclose whether you have exhausted the inmate grievance procedures or administrative appeals for each count in your complaint. If the grievance procedures were not available for any of your counts, fully explain why on the lines provided.

**Part D. REQUEST FOR RELIEF:**

Print the relief you are seeking in the space provided.

**SIGNATURE:**

You must sign your name and print the date you signed the complaint. Failure to sign the complaint will delay the processing of your action. Unless you are an attorney, you may not bring an action on behalf of anyone but yourself.

**FINAL NOTE**

You should follow these instructions carefully. Failure to do so may result in your complaint being stricken or dismissed. All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number the pages.

\_\_\_\_\_  
Name and Prisoner/Booking Number

\_\_\_\_\_  
Place of Confinement

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

**(Failure to notify the Court of your change of address may result in dismissal of this action.)**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

\_\_\_\_\_, )  
(Full Name of Plaintiff) Plaintiff, )

vs. )

**CASE NO.** \_\_\_\_\_  
(To be supplied by the Clerk)

(1) \_\_\_\_\_, )  
(Full Name of Defendant)

(2) \_\_\_\_\_, )

(3) \_\_\_\_\_, )

(4) \_\_\_\_\_, )

Defendant(s). )

Check if there are additional Defendants and attach page 1-A listing them. )

**CIVIL RIGHTS COMPLAINT  
BY A PRISONER**

- Original Complaint
- First Amended Complaint
- Second Amended Complaint

**A. JURISDICTION**

1. This Court has jurisdiction over this action pursuant to:
- 28 U.S.C. § 1343(a); 42 U.S.C. § 1983
  - 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).
  - Other: \_\_\_\_\_.

2. Institution/city where violation occurred: \_\_\_\_\_.

**B. DEFENDANTS**

- 1. Name of first Defendant: \_\_\_\_\_ . The first Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_ .  
(Position and Title) (Institution)
- 2. Name of second Defendant: \_\_\_\_\_ . The second Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_ .  
(Position and Title) (Institution)
- 3. Name of third Defendant: \_\_\_\_\_ . The third Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_ .  
(Position and Title) (Institution)
- 4. Name of fourth Defendant: \_\_\_\_\_ . The fourth Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_ .  
(Position and Title) (Institution)

**If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.**

**C. PREVIOUS LAWSUITS**

- 1. Have you filed any other lawsuits while you were a prisoner?  Yes  No
- 2. If yes, how many lawsuits have you filed? \_\_\_\_\_. Describe the previous lawsuits:
  - a. First prior lawsuit:
    - 1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    - 2. Court and case number: \_\_\_\_\_
    - 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - b. Second prior lawsuit:
    - 1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    - 2. Court and case number: \_\_\_\_\_
    - 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - c. Third prior lawsuit:
    - 1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    - 2. Court and case number: \_\_\_\_\_
    - 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

**If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.**

## D. CAUSE OF ACTION

### COUNT I

1. State the constitutional or other federal civil right that was violated: \_\_\_\_\_  
 \_\_\_\_\_.

2. **Count I.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____.        |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

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4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

\_\_\_\_\_  
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5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution?  Yes  No
- b. Did you submit a request for administrative relief on Count I?  Yes  No
- c. Did you appeal your request for relief on Count I to the highest level?  Yes  No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_  
 \_\_\_\_\_.

**COUNT II**

1. State the constitutional or other federal civil right that was violated: \_\_\_\_\_  
\_\_\_\_\_.

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.  
 Basic necessities                       Mail                       Access to the court                       Medical care  
 Disciplinary proceedings                       Property                       Exercise of religion                       Retaliation  
 Excessive force by an officer                       Threat to safety                       Other: \_\_\_\_\_.

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

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4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).  
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\_\_\_\_\_  
\_\_\_\_\_.

5. **Administrative Remedies.**  
a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution?  Yes     No  
b. Did you submit a request for administrative relief on Count II?  Yes     No  
c. Did you appeal your request for relief on Count II to the highest level?  Yes     No  
d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_  
\_\_\_\_\_.



**COUNT III**

1. State the constitutional or other federal civil right that was violated: \_\_\_\_\_  
\_\_\_\_\_.

2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____.	

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

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4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

5. **Administrative Remedies.**

a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution?  Yes  No

b. Did you submit a request for administrative relief on Count III?  Yes  No

c. Did you appeal your request for relief on Count III to the highest level?  Yes  No

d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_  
\_\_\_\_\_.

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

**E. REQUEST FOR RELIEF**

State the relief you are seeking:

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

\_\_\_\_\_  
(Signature of attorney, if any)

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\_\_\_\_\_  
(Attorney's address & telephone number)

**ADDITIONAL PAGES**

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.