1 **MDR** 2 WO 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Timothy Wayne Coomes, No. CV 14-1118-PHX-DGC (DKD) 10 Plaintiff, 11 **ORDER** VS. 12 Joseph Arpaio, et al., 13 Defendants. 14 15 Plaintiff Timothy Wayne Coomes, who is confined in the Maricopa County Durango Jail, has filed a pro se civil rights Complaint (Doc. 1) and an Application to 16 17 Proceed In Forma Pauperis (Doc. 2). The Court will dismiss the Complaint with leave to 18 amend. 19 I. Application to Proceed *In Forma Pauperis* and Filing Fee 20 Plaintiff's Application to Proceed *In Forma Pauperis* will be granted. 28 U.S.C. 21 § 1915(a). Plaintiff must pay the statutory filing fee of \$350.00. 28 U.S.C. § 1915(b)(1). 22 The Court will assess an initial partial filing fee of \$23.81. The remainder of the fee will 23 be collected monthly in payments of 20% of the previous month's income credited to 24 Plaintiff's trust account each time the amount in the account exceeds \$10.00. 28 U.S.C. 25 26 In the Jurisdiction section of his Complaint, Plaintiff asserts that the Court has jurisdiction pursuant to "Graves v. Arpaio." As discussed in more detail below, this is not a proper jurisdictional basis for a lawsuit. For purposes of this Order, the Court will construe Plaintiff's Complaint as filed pursuant to 42 U.S.C. § 1983. However, if Plaintiff files an amended complaint, he must identify a proper basis for this Court's 27 28 jurisdiction over his claims.

§ 1915(b)(2). The Court will enter a separate Order requiring the appropriate government agency to collect and forward the fees according to the statutory formula.

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

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

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

"[A] complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face." *Id.* (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is plausible "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* "Determining whether a complaint states a plausible claim for relief [is] . . . a context-specific task that requires the reviewing court to draw on its judicial experience and common sense." *Id.* at 679. Thus, although a plaintiff's specific factual allegations may be consistent with a constitutional claim, a court must assess whether there are other "more likely explanations" for a defendant's conduct. *Id.* at 681.

But as the United States Court of Appeals for the Ninth Circuit has instructed, courts must "continue to construe *pro se* filings liberally." *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010). A "complaint [filed by a *pro se* prisoner] 'must be held to less

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stringent standards than formal pleadings drafted by lawyers." *Id.* (quoting *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (*per curiam*)).

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

## III. Complaint

In his three-count Complaint, Plaintiff sues Maricopa County Sheriff Joseph Arpaio, the Towers Jail, and the Durango Jail. In his Request for Relief, Plaintiff seeks monetary damages.

#### IV. Failure to State a Claim

Although *pro se* pleadings are liberally construed, *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972), conclusory and vague allegations will not support a cause of action. *Ivey v. Bd. of Regents of the Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). Further, a liberal interpretation of a civil rights complaint may not supply essential elements of the claim that were not initially pled. *Id*.

#### A. Graves v. Arpaio

In the "Jurisdiction" section of his Complaint, Plaintiff asserts that the Court has jurisdiction pursuant to *Graves v. Arpaio*. With respect to any claim for monetary damages, *Graves v. Arpaio*, CV 77-0479-PHX-NVW, provides no independent cause of action. Although the class action does not foreclose an individual complaint for damages, *see Hiser v. Franklin*, 94 F.3d 1287 (9th Cir. 1997), Plaintiff must demonstrate some right of action and legal entitlement to the monetary damages he seeks. In a case challenging the conditions of confinement of pretrial detainees, the most likely source of a right to sue is 42 U.S.C. § 1983. The Court has jurisdiction over such cases pursuant to 28 U.S.C. § 1343(a)(3).

. . . .

However, as discussed in more detail below, even if Plaintiff had alleged that this case arose under § 1983, he has still failed to state a claim.

1995). Plaintiff has failed to allege any constitutional or federal law violations. Thus, the

Court will dismiss without prejudice Plaintiff's Complaint because it fails to state a

Section 1983 provides a cause of action against persons acting under color of state

## B. Failure to Allege the Violation of a Constitutional Right

law who have violated rights guaranteed by the United States Constitution and federal law. 42 U.S.C. § 1983; see also Buckley v. City of Redding, 66 F.3d 188, 190 (9th Cir.

claim.

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## C. Defendant Arpaio

To state a valid claim under § 1983, plaintiffs must allege that they suffered a specific injury as a result of specific conduct of a defendant and show an affirmative link between the injury and the conduct of that defendant. See Rizzo v. Goode, 423 U.S. 362, 371-72, 377 (1976). There is no respondeat superior liability under § 1983, and therefore, a defendant's position as the supervisor of persons who allegedly violated Plaintiff's constitutional rights does not impose liability. Monell v. New York City Dep't of Soc. Servs., 436 U.S. 658, 691-92 (1978); Hamilton v. Endell, 981 F.2d 1062, 1067 (9th Cir. 1992); Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989). "Because vicarious liability is inapplicable to Bivens and § 1983 suits, a plaintiff must plead that each Government-official defendant, through the official's own individual actions, has violated the Constitution." Iqbal, 556 U.S. at 676. "A plaintiff must allege facts, not simply conclusions, that show that an individual was personally involved in the deprivation of his civil rights." Barren v. Harrington, 152 F.3d 1193, 1194 (9th Cir. 1998).

Plaintiff has not alleged that Defendant Arpaio personally participated in a deprivation of Plaintiff's constitutional rights, was aware of a deprivation and failed to act, or formed policies that resulted in Plaintiff's injuries. Plaintiff has made no

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allegations at all against Defendant Arpaio. Thus, the Court will dismiss without prejudice Defendant Arpaio.

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#### D. **Improper Defendants**

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27 28 Defendants Towers Jail and Durango Jail are not a proper Defendants. Section

1983 imposes liability on any "person" who violates an individual's federal rights while

acting under color of state law. Defendants Towers Jail and Durango Jail are buildings or collections of buildings, neither is a person or legally created entity capable of being

sued. Therefore, the Court will dismiss Defendants Towers Jail and Durango Jail.

#### V. **Leave to Amend**

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

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

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

Plaintiff must repeat this process for each person he names as a Defendant. If Plaintiff fails to affirmatively link the conduct of each named Defendant with the specific injury suffered by Plaintiff, the allegations against that Defendant will be dismissed for

failure to state a claim. Conclusory allegations that a Defendant or group of Defendants has violated a constitutional right are not acceptable and will be dismissed.

Plaintiff should take note that a pretrial detainee's claim for unconstitutional conditions of confinement arises from the Fourteenth Amendment Due Process Clause rather than from the Eighth Amendment prohibition against cruel and unusual punishment. *Bell v. Wolfish*, 441 U.S. 520, 535 and n.16 (1979). Nevertheless, the same standards are applied, requiring proof that the defendant acted with deliberate indifference. *See Frost v. Agnos*, 152 F.3d 1124, 1128 (9th Cir. 1998).

Deliberate indifference is a higher standard than negligence or lack of ordinary due care for the prisoner's safety. *Farmer v. Brennan*, 511 U.S. 825, 835 (1994). To state a claim of deliberate indifference, plaintiffs must meet a two-part test. "First, the alleged constitutional deprivation must be, objectively, sufficiently serious"; and the "official's act or omission must result in the denial of the minimal civilized measure of life's necessities." *Id.* at 834 (internal quotations omitted). Second, the prison official must have a "sufficiently culpable state of mind," i.e., he must act with "deliberate indifference to inmate health or safety." *Id.* (internal quotations omitted). In defining "deliberate indifference" in this context, the Supreme Court has imposed a subjective test: "the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, *and* he must also draw the inference." *Id.* at 837 (emphasis added).

The specific inquiry with respect to pretrial detainees is whether the prison conditions amount to "punishment" without due process in violation of the Fourteenth Amendment. *Bell*, 441 U.S. at 535. A jail or prison must provide prisoners with "adequate food, clothing, shelter, sanitation, medical care, and personal safety." *Hoptowit v. Ray*, 682 F.2d 1237, 1246 (9th Cir. 1982). However, this does not mean that federal courts can, or should, interfere whenever prisoners are inconvenienced or suffer *de minimis* injuries. *See Bell*, 441 U.S. at 539 n.21 (noting that a *de minimis* level of

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imposition does not rise to a constitutional violation). Whether a condition of confinement rises to the level of a constitutional violation may depend, in part, on the duration of an inmate's exposure to that condition. *See Keenan v. Hall*, 83 F.3d 1083, 1089 (9th Cir. 1996) (citing *Hutto v. Finney*, 437 U.S. 678, 686-87 (1978)).

Plaintiff should take note that the Eighth and Fourteenth Amendments require "only that prisoners receive food that is adequate to maintain health; it need not be tasty or aesthetically pleasing. 'The fact that the food occasionally contains foreign objects or sometimes is served cold, while unpleasant, does not amount to a constitutional deprivation.'" *LeMaire v. Maass*, 12 F.3d 1444, 1456 (9th Cir. 1993) (citation omitted) (quoting *Hamm v. DeKalb County*, 774 F.2d 1567, 1575 (11th Cir. 1985)). An inmate may, however, state a claim where he alleges that he is served meals with insufficient calories for long periods of time. *Id*.

In addition, overcrowding alone does not violate the Eighth or Fourteenth Amendments. *Hoptowit*, 682 F.2d at 1249. A plaintiff may, however, state a cognizable claim where he or she alleges that overcrowding results in some unconstitutional condition. *See*, *e.g.*, *Akao v. Shimoda*, 832 F.2d 119, 120 (9th Cir. 1987) (reversing district court's dismissal of claim that overcrowding caused increased stress, tension, and communicable diseases, and confrontations between inmates); *see also Toussaint v. Yockey*, 722 F.2d 1490, 1492 (9th Cir. 1984) (constitutional violation may occur as a result of overcrowded prison conditions causing increased violence, tension and psychiatric problems).

A first amended complaint supersedes the original complaint. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992); *Hal Roach Studios v. Richard Feiner & Co.*, 896 F.2d 1542, 1546 (9th Cir. 1990). After amendment, the Court will treat an original complaint as nonexistent. *Ferdik*, 963 F.2d at 1262. Any cause of action that was raised in the original complaint and that was voluntarily dismissed or was dismissed without prejudice is waived if it is not alleged in a first amended complaint. *Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012) (en banc).

#### VI. Warnings

#### A. Release

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

#### **B.** Address Changes

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

## C. Copies

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

#### D. Possible "Strike"

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

### E. Possible Dismissal

If Plaintiff fails to timely comply with every provision of this Order, including these warnings, the Court may dismiss this action without further notice. *See Ferdik*, 963

1	F.2d at 1260-61 (a district court may dismiss an action for failure to comply with any				
2	order of the Court).				
3	IT IS ORDERED:				
4	(1) Plaintiff's Application to Proceed <i>In Forma Pauperis</i> (Doc. 2) is <b>granted</b> .				
5	(2) As required by the accompanying Order to the appropriate government				
6	agency, Plaintiff must pay the \$350.00 filing fee and is assessed an initial partial filing				
7	fee of \$23.81.				
8	(3) The Complaint (Doc. 1) is <b>dismissed</b> for failure to state a claim. Plaintiff				
9	has 30 days from the date this Order is filed to file a first amended complaint in				
10	compliance with this Order.				
11	(4) If Plaintiff fails to file an amended complaint within 30 days, the Clerk of				
12	Court must, without further notice, enter a judgment of dismissal of this action with				
13	prejudice that states that the dismissal may count as a "strike" under 28 U.S.C. § 1915(g).				
14	(5) The Clerk of Court must mail Plaintiff a court-approved form for filing a				
15	civil rights complaint by a prisoner.				
16	Dated this 10th day of June, 2014.				
17					
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19	Daniel Gr. Campbell				
20	David G. Campbell United States District Judge				
21	Officed States District Judge				
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# 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. <u>Your Signature</u>. 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. <u>The Filing and Administrative Fees</u>. 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. <u>Original and Judge's Copy</u>. 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

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

7. <u>Change of Address</u>. 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.** 

OR

8. <u>Certificate of Service</u>. 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. <u>See</u> 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)
(G: 4	
(Signatur	re)

- 9. <u>Amended Complaint</u>. 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. <u>See</u> 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. <u>Exhibits</u>. 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. <u>Letters and Motions</u>. 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. <u>Your Name</u>. Print your name, prison or inmate number, and institutional mailing address on the lines provided.
- 2. <u>Defendants</u>. 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. <u>Jury Demand</u>. 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. <u>Nature of Suit</u>. Mark whether you are filing the complaint pursuant to 42 U.S.C. § 1983 for state, county, or city defendants; "<u>Bivens v. Six Unknown Federal Narcotics Agents</u>" for federal defendants; or "other." If you mark "other," identify the source of that authority.
- 2. <u>Location</u>. Identify the institution and city where the alleged violation of your rights occurred.
- 3. <u>Defendants</u>. 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. <u>Counts</u>. You must identify which civil right was violated. **You may allege the violation of only one civil right per count**.
- 2. <u>Issue Involved</u>. 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. <u>Supporting Facts</u>. 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. <u>Injury</u>. State precisely how you were injured by the alleged violation of your rights.
- 5. <u>Administrative Remedies</u>. You must exhaust any available administrative remedies before you file a civil rights complaint. <u>See</u> 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	<del></del>
City, State, Zip Code	<u> </u>
(Failure to notify the Court of your change of address may res	sult in dismissal of this action.)
	ATES DISTRICT COURT FRICT OF ARIZONA
	) _, )
(Full Name of Plaintiff) Plaintiff,	)
VS.	) CASE NO
(1)	) (To be supplied by the Clerk)
(Full Name of Defendant)	)
(2) (3)	CIVIL RIGHTS COMPLAINT BY A PRISONER
(4)	) _, )
Defendant(s).	)
Check if there are additional Defendants and attach page 1-A listing them.	)
A. JUI	RISDICTION
1. This Court has jurisdiction over this action purs  ☐ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983	
☐ Other:	own Federal Narcotics Agents, 403 U.S. 388 (1971).
2. Institution/city where violation occurred:	

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## **B. DEFENDANTS**

1.	Name of		The first Defendant is employed as:
		at (Position and Title)	(Institution)
2.	Name of	f second Defendant:	
		(Position and Title)	(Institution)
3.	Name of		The third Defendant is employed as:
		(Position and Title)	(Institution)
4.	Name of		The fourth Defendant is employed as:
		(Position and Title)	(Institution)
If y	ou name mo	ore than four Defendants, answer the questions listed abov	e for each additional Defendant on a separate page.
		C. PREVIOUS LAV	WSUITS
1.	Have yo	ou filed any other lawsuits while you were a priso	ner?
2.	If yes, h	ow many lawsuits have you filed? Descri	be the previous lawsuits:
	a. First	prior lawsuit:	
	1.	Court and assa number	·
	3.	Result: (Was the case dismissed? Was it appears	aled? Is it still pending?)
	h Saga	nd prior lowerite	•
		nd prior lawsuit:	
	2.	Parties: v Court and case number:	·
	3.		aled? Is it still pending?)
	o Thins	I prior lawquit	·
	c. Iniro	l prior lawsuit:	
		Court and case number:	
	2. 3.	Result: (Was the case dismissed? Was it appe	aled? Is it still pending?)
	۶.	Result. (was the case dishinssed: was it appear	area. To it out 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.	Sta	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.					
		Basic necessities	☐ Mail	$\square$ Access to the court	☐ Medical care	
		Disciplinary proceedings	= -	_		
		Excessive force by an officer	☐ Threat to safety	Other:		
	fenda	<b>pporting Facts.</b> State as brieflant did or did not do that violate y or arguments.				
4.	Inj	ury. State how you were injur	red by the actions or	inactions of the Defendant(s	).	
5.	Ad a.	ministrative Remedies: Are there any administrative institution?	remedies (grievance	procedures or administrative	appeals) available at your □ Yes □ No	
	b.	Did you submit a request for	administrative relie	f on Count I?	☐ Yes ☐ No	
	c.	Did you appeal your request			☐ Yes ☐ No	
	d.	If you did not submit or appedid not.	eal a request for adm	inistrative relief at any level,	— · · · — - · ·	

## **COUNT II**

1. State the constitutional or other federal civil right that was violated:					
2.		Basic necessities  Disciplinary proceedings  Excessive force by an officer	] Mail ] Property	☐ Access to the court ☐ Exercise of religion	☐ Medical care ☐ Retaliation
	fenda	<b>apporting Facts.</b> State as briefly as lant did or did not do that violated y ty or arguments.	_		•
4.	Inj	<b>jury.</b> State how you were injured	by the actions or	inactions of the Defendan	t(s).
5.	<b>Ad</b> a.	dministrative Remedies.  Are there any administrative reminstitution?	edies (grievance p	procedures or administrativ	ve appeals) available at your □ Yes □ No
	b. c. d.	Did you submit a request for addid you appeal your request for If you did not submit or appeal addid not.	relief on Count I a request for adm	I to the highest level? inistrative relief at any lev	☐ Yes ☐ No ☐ Yes ☐ No

## **COUNT III**

1.	Sta	ate the constitutional or other fed	eral civil right that	was violated:	
2.		Basic necessities Disciplinary proceedings Excessive force by an officer	☐ Mail ☐ Property	☐ Access to the court ☐ Exercise of religion	☐ Medical care ☐ Retaliation
	fenda	apporting Facts. State as briefly a ant did or did not do that violated by or arguments.			
4.	Inj	<b>jury.</b> State how you were injured	d by the actions or	inactions of the Defendant	(s).
5.	<b>Ad</b> a.	Iministrative Remedies.  Are there any administrative reinstitution?	medies (grievance	procedures or administrativ	e appeals) available at your □ Yes □ No
	b.	Did you submit a request for a			☐ Yes ☐ No
	c. d.	Did you appeal your request for If you did not submit or appeal did not.	l a request for adm	inistrative relief at any leve	

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:	
I declare under penalty of perjury that the foregoing	is true and correct.
Executed on DATE	SIGNATURE OF PLAINTIFF
DATE	SIGNATURE OF FLAINTIFF
(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)	
(Signature of attorney, if any)	
(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.