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

William Alvin Wilson,
Plaintiff,
vs.
Maricopa County Sheriff's Office, et al.,
Defendants.

No. CV 14-1620-PHX-DGC (MEA)

ORDER

Plaintiff William Alvin Wilson, who is confined in the Maricopa County Lower Buckeye Jail, has filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. 1) and an Application to Proceed *In Forma Pauperis* (Doc. 2). The Court will dismiss the Complaint with leave to amend.

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

Plaintiff's Application to Proceed *In Forma Pauperis* will be granted. 28 U.S.C. § 1915(a). Plaintiff must pay the statutory filing fee of \$350.00. 28 U.S.C. § 1915(b)(1). The Court will not assess an initial partial filing fee. *Id.* The statutory filing fee will be collected monthly in payments of 20% of the previous month's income credited to Plaintiff's trust account each time the amount in the account exceeds \$10.00. 28 U.S.C. § 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.

....
....

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

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

8 A pleading must contain a “short and plain statement of the claim *showing* that the
9 pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2) (emphasis added). While Rule 8
10 does not demand detailed factual allegations, “it demands more than an unadorned, the-
11 defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678
12 (2009). “Threadbare recitals of the elements of a cause of action, supported by mere
13 conclusory statements, do not suffice.” *Id.*

14 “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a
15 claim to relief that is plausible on its face.’” *Id.* (quoting *Bell Atlantic Corp. v. Twombly*,
16 550 U.S. 544, 570 (2007)). A claim is plausible “when the plaintiff pleads factual
17 content that allows the court to draw the reasonable inference that the defendant is liable
18 for the misconduct alleged.” *Id.* “Determining whether a complaint states a plausible
19 claim for relief [is] . . . a context-specific task that requires the reviewing court to draw
20 on its judicial experience and common sense.” *Id.* at 679. Thus, although a plaintiff’s
21 specific factual allegations may be consistent with a constitutional claim, a court must
22 assess whether there are other “more likely explanations” for a defendant’s conduct. *Id.*
23 at 681.

24 But as the United States Court of Appeals for the Ninth Circuit has instructed,
25 courts must “continue to construe *pro se* filings liberally.” *Hebbe v. Pliler*, 627 F.3d 338,
26 342 (9th Cir. 2010). A “complaint [filed by a *pro se* prisoner] ‘must be held to less
27 stringent standards than formal pleadings drafted by lawyers.’” *Id.* (quoting *Erickson v.*
28 *Pardus*, 551 U.S. 89, 94 (2007) (*per curiam*)).

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

6 **III. Complaint**

7 In his three-count Complaint, Plaintiff names the following Defendants: the
8 Maricopa County Sheriff's Office ("MCSO"); "MCSO Staff," employed as "Detention
9 Officer Staff"; Lower Buckeye Jail, employed as "Medical Staff"; and the Maricopa
10 County Board of Supervisors. Plaintiff seeks damages.

11 In Count One, Plaintiff alleges that he was denied constitutionally adequate
12 medical care and alleges the following facts: On July 1, 2014, Plaintiff cut his leg on a
13 piece of sharp metal that was sticking out from the window frame of the day room in
14 Tower 14B. The metal was rusty and dirty. MCSO Staff did not immediately inform
15 medical. Plaintiff told the on-call medication nurse about his injury, but she did not
16 inform medical either. Plaintiff was in need of stitches and possibly a tetanus shot
17 because the cut was so deep "you could see the fat in [Plaintiff's] leg." Plaintiff "put in
18 to see medical," but was not seen for two days. Plaintiff had his leg wrapped in a dirty
19 sock as a makeshift bandage until he was seen by medical. When Plaintiff saw medical
20 two days later on July 3, 2014, the nurse said Plaintiff should have been sent to the
21 hospital for stitches. Plaintiff did not get a tetanus shot until he complained by grievance
22 the day after he was seen by medical. Plaintiff apparently received the tetanus shot on
23 July 4, 2014. Plaintiff has suffered severe pain and a swollen, infected leg, headaches
24 from discomfort from walking on his injured leg, and lack of sleep due to pain.

25 In Count Two, Plaintiff asserts a threat to safety claim and alleges the following
26 facts: "Each Defendant failed to get maintenance to cut off or grind down the sharp piece
27 of rusty[,] jagged metal in Tower 14B" both before and after Plaintiff cut himself.
28 Maintenance tried to fix the window by banging down the metal to a flush surface, but it

1 is still sharp and hazardous and poses a danger to other inmates who are unaware of its
2 presence.

3 In Count Three, Plaintiff alleges the following facts: “MCSO Staff did not inform
4 medical staff of [Plaintiff’s] emergency medical situation.” Once medical staff was
5 informed, they did not give Plaintiff immediate medical attention and Plaintiff had to file
6 a grievance in order to get bandages for his leg. Plaintiff had to submit a health needs
7 request to get a tetanus shot, “which should have been given without a health needs
8 request form filled out by [Plaintiff].”

9 **IV. Failure to State a Claim**

10 To prevail in a § 1983 claim, a plaintiff must show that (1) acts by the defendants
11 (2) under color of state law (3) deprived him of federal rights, privileges or immunities
12 and (4) caused him damage. *Thornton v. City of St. Helens*, 425 F.3d 1158, 1163-64 (9th
13 Cir. 2005) (quoting *Shoshone-Bannock Tribes v. Idaho Fish & Game Comm’n*, 42 F.3d
14 1278, 1284 (9th Cir. 1994)). In addition, a plaintiff must allege that he suffered a specific
15 injury as a result of the conduct of a particular defendant and he must allege an
16 affirmative link between the injury and the conduct of that defendant. *Rizzo v. Goode*,
17 423 U.S. 362, 371-72, 377 (1976).

18 **A. MCSO**

19 The MCSO is not a proper defendant. In Arizona, the responsibility of operating
20 jails and caring for prisoners is placed by law upon the sheriff. *See* Ariz. Rev. Stat. Ann.
21 § 11-441(A)(5); Ariz. Rev. Stat. Ann. § 31-101. A sheriff’s office is simply an
22 administrative creation of the county sheriff to allow him to carry out his statutory duties
23 and is not a “person” amenable to suit pursuant to § 1983. Accordingly, the Maricopa
24 County Sheriff’s Office will be dismissed as a Defendant.

25 **B. Maricopa County Board of Supervisors**

26 The Maricopa County Board of Supervisors and the individual members of that
27 Board are not proper Defendants and must be dismissed. Local government bodies, such
28 as Arizona counties, are persons under § 1983 and may be sued for constitutional injuries.

1 Liability may be imposed on the county if a plaintiff establishes that his injuries were
2 inflicted pursuant to an official county policy or custom. *Thompson v. City of Los*
3 *Angeles*, 885 F.2d 1439, 1443 (9th Cir. 1989) (citations omitted). Official county policy
4 may only be set by an official with “final policymaking authority.” *Id.* (citing *Pembaur*
5 *v. City of Cincinnati*, 475 U.S. 469, 481-83 (1986) (plurality opinion)). To identify those
6 officials with “final policymaking authority,” the Court looks to state law. *Id.* (citing *City*
7 *of St. Louis v. Praprotnik*, 485 U.S. 112, 126 (1988) (plurality opinion) (quotations
8 omitted)).

9 In Arizona, the responsibility of operating jails is placed by law upon the Sheriff,
10 not on the county’s Board of Supervisors. *See* Ariz. Rev. Stat. § 11-441(A)(5); Ariz.
11 Rev. Stat. § 31-101. Therefore, the Board of Supervisors is not liable to Plaintiff under
12 § 1983 because it lacks authority to establish an official policy with respect to the
13 operation of the jail. Further, the Board cannot be held liable for the actions of the
14 Sheriff or his deputies on a theory of respondeat superior liability. *See Thompson*, 885
15 F.2d at 1443. Accordingly, the Maricopa County Board of Supervisors will be dismissed.

16 **C. Lower Buckeye Jail**

17 Plaintiff names the Maricopa County Lower Buckeye Jail as a Defendant.
18 However, a jail is not a proper defendant. Claims under § 1983 are directed at “bodies
19 politic and corporate.” *Monell v. N.Y. Dep’t of Soc. Servs.*, 436 U.S. 658, 688-89 (1978).
20 Under the Civil Rights Act of 1871, Congress intended municipalities and other local
21 government units to be included among those persons to whom § 1983 applies. *Id.* at
22 689-690. Because a jail is neither a corporation nor a body politic, it is not a “person” for
23 purposes of § 1983. *See, e.g., Petaway v. City of New Haven Police Dep’t*, 541 F.
24 Supp.2d 504 (D. Conn. 2008); *Pahle v. Colebrookdale Twp.*, 227 F. Supp.2d 361 (E.D.
25 Pa. 2002). Accordingly, the Lower Buckeye Jail will be dismissed.

26 **D. MCSO Staff, Detention Officers and Medical Staff**

27 In addition to unnamed “MCSO Staff” members, it appears that Plaintiff is
28 attempting to sue unnamed detention officers and members of the medical staff at the

1 Lower Buckeye Jail. Plaintiff should be aware that Rule 10(a) of the Federal Rules of
2 Civil Procedure requires the plaintiff to include the names of the parties in the action. As
3 a practical matter, it is impossible in most instances for the United States Marshal or his
4 designee to serve a summons and complaint or amended complaint upon an anonymous
5 defendant. The Ninth Circuit has held that where identity is unknown prior to the filing
6 of a complaint, the plaintiff should be given an opportunity through discovery to identify
7 the unknown defendants, unless it is clear that discovery would not uncover the identities,
8 or that the complaint would be dismissed on other grounds. *Wakefield v. Thompson*, 177
9 F.3d 1160, 1163 (9th Cir. 1999) (citing *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir.
10 1980)).

11 Where the names of individual defendants are unknown at the time a complaint is
12 filed, a plaintiff may refer to the individual unknown defendants as Defendant John (or
13 Jane) Doe 1, John Doe 2, and so on, and allege facts to support how each particular Doe
14 defendant violated the plaintiff's constitutional rights, including when, where, and how.
15 Plaintiff may not simply identify a group of Defendants and allege that the group violated
16 his constitutional rights. A plaintiff may thereafter use the discovery process to obtain
17 the names of fictitiously-named defendants whom he believes violated his constitutional
18 rights and seek leave to amend to name those defendants.

19 Accordingly, Defendants MCSO Staff, Detention Officers and Medical Staff will
20 be dismissed.

21 **V. Leave to Amend**

22 Because Plaintiff has failed to name a proper Defendant, Plaintiff's Complaint will
23 be dismissed for failure to state a claim upon which relief may be granted. Within 30
24 days, Plaintiff may submit a first amended complaint to cure the deficiencies outlined
25 above. The Clerk of Court will mail Plaintiff a court-approved form to use for filing a
26 first amended complaint. If Plaintiff fails to use the court-approved form, the Court may
27 strike the amended complaint and dismiss this action without further notice to Plaintiff.

28 If Plaintiff files an amended complaint, Plaintiff must write short, plain statements

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

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

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

16 A first amended complaint supersedes the original complaint. *Ferdik v. Bonzelet*,
17 963 F.2d 1258, 1262 (9th Cir. 1992); *Hal Roach Studios v. Richard Feiner & Co.*, 896
18 F.2d 1542, 1546 (9th Cir. 1990). After amendment, the Court will treat an original
19 complaint as nonexistent. *Ferdik*, 963 F.2d at 1262. Any cause of action that was raised
20 in the original complaint and that was voluntarily dismissed or was dismissed without
21 prejudice is waived if it is not alleged in a first amended complaint. *Lacey v. Maricopa*
22 *County*, 693 F.3d 896, 928 (9th Cir. 2012) (en banc).

23 Plaintiff should be aware that not every claim by a prisoner relating to inadequate
24 medical treatment states a violation of the Eighth or Fourteenth Amendment. To state a
25 § 1983 medical claim, a plaintiff must show that the defendants acted with "deliberate
26 indifference to serious medical needs." *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir.
27 2006) (quoting *Estelle v. Gamble*, 429 U.S. 97, 104 (1976)). A plaintiff must show (1) a
28 "serious medical need" by demonstrating that failure to treat the condition could result in

1 further significant injury or the unnecessary and wanton infliction of pain and (2) the
2 defendant's response was deliberately indifferent. *Jett*, 439 F.3d at 1096 (quotations
3 omitted).

4 "Deliberate indifference is a high legal standard." *Toguchi v. Chung*, 391 F.3d
5 1051, 1060 (9th Cir. 2004). To act with deliberate indifference, a prison official must
6 both know of and disregard an excessive risk to inmate health; "the official must both be
7 aware of facts from which the inference could be drawn that a substantial risk of serious
8 harm exists, and he must also draw the inference." *Farmer v. Brennan*, 511 U.S. 825,
9 837 (1994). Deliberate indifference in the medical context may be shown by a
10 purposeful act or failure to respond to a prisoner's pain or possible medical need and
11 harm caused by the indifference. *Jett*, 439 F.3d at 1096. Deliberate indifference may
12 also be shown when a prison official intentionally denies, delays, or interferes with
13 medical treatment or by the way prison doctors respond to the prisoner's medical needs.
14 *Estelle*, 429 U.S. at 104-05; *Jett*, 439 F.3d at 1096.

15 Deliberate indifference is a higher standard than negligence or lack of ordinary
16 due care for the prisoner's safety. *Farmer*, 511 U.S. at 835. "Neither negligence nor
17 gross negligence will constitute deliberate indifference." *Clement v. California Dep't of*
18 *Corr.*, 220 F. Supp. 2d 1098, 1105 (N.D. Cal. 2002); *see also Broughton v. Cutter Labs.*,
19 622 F.2d 458, 460 (9th Cir. 1980) (mere claims of "indifference," "negligence," or
20 "medical malpractice" do not support a claim under § 1983). "A difference of opinion
21 does not amount to deliberate indifference to [a plaintiff's] serious medical needs."
22 *Sanchez v. Vild*, 891 F.2d 240, 242 (9th Cir. 1989). A mere delay in medical care,
23 without more, is insufficient to state a claim against prison officials for deliberate
24 indifference. *See Shapley v. Nevada Bd. of State Prison Comm'rs*, 766 F.2d 404, 407
25 (9th Cir. 1985). The indifference must be substantial. The action must rise to a level of
26 "unnecessary and wanton infliction of pain." *Estelle*, 429 U.S. at 105.

27 Likewise, to state a claim for threat to safety, an inmate must allege facts to
28 support that he was incarcerated under conditions posing a substantial risk of harm and

1 that prison officials were “deliberately indifferent” to those risks. *Farmer*, 511 U.S. at
2 832-33. To adequately allege deliberate indifference, a plaintiff must allege facts to
3 support that a defendant knew of, but disregarded, an excessive risk to inmate safety. *Id.*
4 at 837. That is, “the official must both [have been] aware of facts from which the
5 inference could be drawn that a substantial risk of serious harm exist[ed], and he must
6 also [have] draw[n] the inference.” *Id.*

7 **VI. Warnings**

8 **A. Release**

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

13 **B. Address Changes**

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

18 **C. Copies**

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

22 **D. Possible “Strike”**

23 Because the Complaint has been dismissed for failure to state a claim, if Plaintiff
24 fails to file an amended complaint correcting the deficiencies identified in this Order, the
25 dismissal may count as a “strike” under the “3-strikes” provision of 28 U.S.C. § 1915(g).
26 Under the 3-strikes provision, a prisoner may not bring a civil action or appeal a civil
27 judgment *in forma pauperis* under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more
28 prior occasions, while incarcerated or detained in any facility, brought an action or appeal

1 in a court of the United States that was dismissed on the grounds that it is frivolous,
2 malicious, or fails to state a claim upon which relief may be granted, unless the prisoner
3 is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

4 **E. Possible Dismissal**

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

9 **IT IS ORDERED:**

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

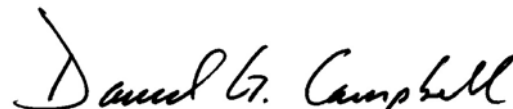
11 (2) As required by the accompanying Order to the appropriate government
12 agency, Plaintiff must pay the \$350.00 filing fee and is not assessed an initial partial
13 filing fee.

14 (3) The Complaint (Doc. 1) is **dismissed** for failure to state a claim. Plaintiff
15 has **30 days** from the date this Order is filed to file a first amended complaint in
16 compliance with this Order.

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

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

22 Dated this 3rd day of October, 2014.

23
24
25 

26 _____
27 David G. Campbell
28 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.

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.

_____.

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:

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)

(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.