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

Anthony Roman Green,  
Plaintiff,  
v.  
Charles Ryan, et al.,  
Defendants.

No. CV 15-00999-PHX-DGC (MHB)

**ORDER**

On June 1, 2015, Plaintiff Anthony Roman Green, who is confined in the Arizona State Prison Complex (ASPC)-Eyman, filed a pro se civil rights Complaint pursuant to 42 U.S.C. § 1983 and an Application to Proceed In Forma Pauperis. On June 17, 2015, the Court entered an Order denying Plaintiff’s Application to Proceed as deficient and granting him 30 days to either pay the required filing and administrative fees or file a complete in forma pauperis application. On July 2, 2015, Plaintiff filed a second deficient Application to Proceed, which was denied by the Court in an Order dated August 10, 2015. On August 20, 2015, Plaintiff filed another Application to Proceed In Forma Pauperis. In a September 11, 2015 Order, the Court granted Plaintiff’s Application to Proceed and dismissed the Complaint for failure to state a claim. Plaintiff was given 30 days to file an amended complaint that cured the deficiencies identified in the Order.

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1 On September 21, 2015, Plaintiff filed his First Amended Complaint (Doc. 15).  
2 The Court will dismiss the First Amended Complaint with leave to amend.

3 **I. Statutory Screening of Prisoner Complaints**

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

10 A pleading must contain a “short and plain statement of the claim *showing* that the  
11 pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2) (emphasis added). While Rule 8  
12 does not demand detailed factual allegations, “it demands more than an unadorned, the-  
13 defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678  
14 (2009). “Threadbare recitals of the elements of a cause of action, supported by mere  
15 conclusory statements, do not suffice.” *Id.*

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

26 But as the United States Court of Appeals for the Ninth Circuit has instructed,  
27 courts must “continue to construe *pro se* filings liberally.” *Hebbe v. Pliler*, 627 F.3d 338,  
28 342 (9th Cir. 2010). A “complaint [filed by a pro se prisoner] ‘must be held to less

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

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

9 **II. First Amended Complaint**

10 Plaintiff asserts one count in his First Amended Complaint, alleging due process  
11 violations associated with a prison disciplinary proceeding. He names Charles Ryan, the  
12 Director of the Arizona Department of Corrections (ADC); J. O’Neil, the Complex-  
13 Warden at ASPC-Eyman; Disciplinary Hearing Officer B. Schitter; and Disciplinary  
14 Coordinator A. Durazo as Defendants. Plaintiff seeks court costs and injunctive relief.

15 Plaintiff’s allegations center on a prison disciplinary proceeding that, according to  
16 him, was based on “false accusations” and was conducted “without proper due process.”  
17 (Doc. 15 at 3.) As a result of this proceeding, Plaintiff allegedly received a 2-year  
18 extension on lockdown. (*Id.*)

19 Plaintiff alleges that Defendant O’Neil, in “an act of bias,” moved Plaintiff to a  
20 higher lockdown level before the disciplinary investigation was completed, thereby  
21 placing him in an environment that made it difficult to “approach and defend [his]  
22 innocence.” (*Id.* at 3-4.)

23 Defendant Schitter, who conducted Plaintiff’s disciplinary hearing, was “set on  
24 finding [Plaintiff] guilty,” according to the allegations in the First Amended Complaint.  
25 (*Id.* at 4.) Schitter allegedly refused to show Plaintiff evidence presented against him,  
26 prevented Plaintiff from presenting his “side of the story,” and denied Plaintiff’s request  
27 for staff assistance and witness statements. (*Id.*) “Nothing was processed in a timely  
28

1 manner [or] done correctly,” Plaintiff claims, and Schitter was “unable to be fair and  
2 impartial,” when presiding over the hearing. (*Id.*)

3 Defendant Durazo allegedly failed to process Plaintiff’s appeals from Schitter’s  
4 disciplinary findings. (*Id.* at 5.) Plaintiff alleges that he “submitted multiple inmate  
5 letters inquiring about updates and where the process . . . stood . . . only to find out after  
6 expiration of appeal timeframe that [his] appeal was never processed.” (*Id.*)

7 When Plaintiff submitted a “Second Level Appeal to Director [Ryan],” the appeal  
8 was “reviewed with no consideration for the obvious ‘due process’ violations.” (*Id.* at 3.)  
9 In addition, Plaintiff alleges, as the individual “responsible for managing staff within  
10 ADC, . . . Charles Ryan is subject to being responsible for their violations as ADC  
11 employees.”

### 12 **III. Failure to State a Claim**

13 To prevail in a § 1983 claim, a plaintiff must show that (1) acts by the defendants  
14 (2) under color of state law (3) deprived him of federal rights, privileges or immunities  
15 and (4) caused him damage. *Thornton v. City of St. Helens*, 425 F.3d 1158, 1163-64 (9th  
16 Cir. 2005) (quoting *Shoshone-Bannock Tribes v. Idaho Fish & Game Comm’n*, 42 F.3d  
17 1278, 1284 (9th Cir. 1994)). In addition, a plaintiff must allege that he suffered a specific  
18 injury as a result of the conduct of a particular defendant and he must allege an  
19 affirmative link between the injury and the conduct of that defendant. *Rizzo v. Goode*,  
20 423 U.S. 362, 371-72, 377 (1976). There is no *respondeat superior* liability under  
21 § 1983, and therefore, a defendant’s position as the supervisor of persons who allegedly  
22 violated Plaintiff’s constitutional rights does not impose liability. *Monell v. New York*  
23 *City Dep’t of Soc. Servs.*, 436 U.S. 658, 691-92 (1978); *Hamilton v. Endell*, 981 F.2d  
24 1062, 1067 (9th Cir. 1992); *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989).

25 Although *pro se* pleadings are liberally construed, *Haines v. Kerner*, 404 U.S. 519,  
26 520-21 (1972), conclusory and vague allegations will not support a cause of action. *Ivey*  
27 *v. Bd. of Regents of the Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). Further, a  
28 liberal interpretation of a civil rights complaint may not supply essential elements of the

1 claim that were not initially pled. *Id.*

2 Plaintiff asserts that he was denied due process in connection with disciplinary  
3 proceedings. In analyzing a due process claim, the Court must first decide whether  
4 Plaintiff was entitled to any process, and if so, whether he was denied any  
5 constitutionally required procedural safeguard. Liberty interests that entitle an inmate to  
6 due process are “generally limited to freedom from restraint which, while not exceeding  
7 the sentence in such an unexpected manner as to give rise to protection by the Due  
8 Process Clause of its own force, nonetheless imposes atypical and significant hardship on  
9 the inmate in relation to the ordinary incidents of prison life.” *Sandin v. Conner*, 515  
10 U.S. 472, 484 (1995) (internal citations omitted).

11 To determine whether an inmate is entitled to the procedural protections afforded  
12 by the Due Process Clause, the Court must look to the particular restrictions imposed and  
13 ask whether they “‘present the type of atypical, significant deprivation in which a state  
14 might conceivably create a liberty interest.’” *Mujahid v. Meyer*, 59 F.3d 931, 932 (9th  
15 Cir. 1995) (quoting *Sandin*, 515 U.S. at 486). “Atypicality” requires not merely an  
16 empirical comparison, but turns on the importance of the right taken away from the  
17 prisoner. *See Carlo v. City of Chino*, 105 F.3d 493, 499 (9th Cir. 1997). To determine  
18 whether the sanctions impose an atypical and a significant hardship, courts look to the  
19 prisoner’s conditions of confinement, the duration of the sanction, and whether the  
20 sanction will affect the duration of the prisoner’s sentence. *See Ramirez v. Galaza*, 334  
21 F.3d 850, 861 (9th Cir. 2003); *Keenan v. Hall*, 83 F.3d 1083, 1088-89 (9th Cir. 1996).

22 As in his original Complaint, Plaintiff’s allegations fail to state a claim based on  
23 an atypical or significant hardship. Plaintiff alleges that he received a 2-year extension of  
24 lockdown. It is not clear from the First Amended Complaint whether such punishment  
25 constitutes an atypical and significant hardship, however, as Plaintiff has failed to  
26 describe the specific conditions of his confinement, such as the amount of recreation he is  
27 permitted per day, the frequency of visitation, his access to libraries and religious  
28 worship, his educational and vocational opportunities, and the availability for review of

1 his confinement status. . In the absence of , such information, the court cannot conclude  
2 that the conditions of Plaintiff’s disciplinary confinement implicate a liberty interest  
3 under the Fourteenth Amendment. *See Sandin*, 515 U.S. at 484.

4 Even assuming a protected liberty interest was implicated, however, Plaintiff has  
5 failed to allege a cognizable due process violation. “Prison disciplinary proceedings are  
6 not part of a criminal prosecution, and the full panoply of rights due a defendant in such  
7 proceedings does not apply.” *Wolff v. McDonnell*, 418 U.S. 539, 556 (1974). Procedural  
8 due process safeguards in a prison disciplinary hearing require that the defendant receive:  
9 (1) written notice of the charges, no less than twenty-four hours prior to the hearing; (2) a  
10 written statement by the fact-finder as to the evidence relied on and reasons for the  
11 disciplinary action and (3) a limited right to call witnesses and present documentary  
12 evidence when it would not be unduly hazardous to institutional safety or correctional  
13 goals to allow the defendant to do so. *Id.* at 565-66.

14 Although Plaintiff alleges generally that “[n]othing was . . . done correctly,” he  
15 does not allege that any of the foregoing procedural safeguards were absent. He does not  
16 contend that he was unaware of the evidence presented against him, only that he was not  
17 permitted to “see” all of it. (Doc. 15 at 4.) And while he alleges that he was unable to  
18 present his “side of the story,” and that a request for unspecified witness statements was  
19 denied, *id.*, it does not appear from the allegations in the First Amended Complaint that  
20 Plaintiff was wholly precluded from presenting testimony or documentary evidence.  
21 Absent additional facts demonstrating that he was denied his “limited right to call  
22 witnesses and present documentary evidence,” Plaintiff cannot state a due process claim.  
23 *See Wolff*, 418 U.S. at 565-66. Accordingly, Count One of the First Amended Complaint  
24 will be dismissed without prejudice.

25 **IV. Leave to Amend**

26 For the foregoing reasons, Plaintiff’s First Amended Complaint will be dismissed  
27 for failure to state a claim upon which relief may be granted. Within 30 days, Plaintiff  
28 may submit a second amended complaint to cure the deficiencies outlined above. The

1 Clerk of Court will mail Plaintiff a court-approved form to use for filing a second  
2 amended complaint. If Plaintiff fails to use the court-approved form, the Court may  
3 strike the second amended complaint and dismiss this action without further notice to  
4 Plaintiff.

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

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

## 18 **V. Warnings**

### 19 **A. Release**

20 If Plaintiff is released while this case remains pending, and the filing fee has not  
21 been paid in full, Plaintiff must, within 30 days of his release, either (1) notify the Court  
22 that he intends to pay the unpaid balance of his filing fee within 120 days of his release or  
23 (2) file a non-prisoner application to proceed in forma pauperis. Failure to comply may  
24 result in dismissal of this action.

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

26 Plaintiff must file and serve a notice of a change of address in accordance with  
27 Rule 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion  
28

1 for other relief with a notice of change of address. Failure to comply may result in  
2 dismissal of this action.

3 **C. Copies**

4 Because Plaintiff is currently confined in an Arizona Department of Corrections  
5 unit subject to General Order 14-17, Plaintiff is not required to submit an additional copy  
6 of every filing for use by the Court, as would ordinarily be required by Local Rule of  
7 Civil Procedure 5.4. If Plaintiff is transferred to a unit other than one subject to General  
8 Order 14-17, he will be notified of the requirements regarding copies for the Court that  
9 are required for inmates whose cases are not subject to General Order 14-17.

10 **D. Possible “Strike”**

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

21 **E. Possible Dismissal**

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

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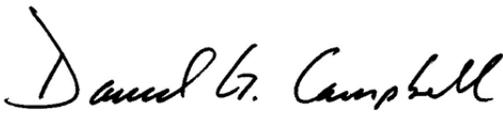
**IT IS ORDERED:**

(1) The First Amended Complaint (Doc. 15) 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.

(2) 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).

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

Dated this 13th day of October, 2015.



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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.**





**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.