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

Jeremy Mozes Correa,
Plaintiff,
v.
Glendale Police Department, et al.,
Defendants.

No. CV 22-02088-PHX-JAT (DMF)

ORDER

Pro se Plaintiff Jeremy Mozes Correa, who is confined in a Maricopa County Jail, filed a 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 grant the Application to Proceed and will dismiss the Complaint with leave to amend.

I. Application to Proceed In Forma Pauperis and Filing Fee

The Court will grant Plaintiff’s Application to Proceed In Forma Pauperis. 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 which
6 relief may be granted, or that seek monetary relief from a defendant who is immune from
7 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 does
10 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 content
17 that allows the court to draw the reasonable inference that the defendant is liable for the
18 misconduct alleged.” *Id.* “Determining whether a complaint states a plausible claim for
19 relief [is] . . . a context-specific task that requires the reviewing court to draw on its judicial
20 experience and common sense.” *Id.* at 679. Thus, although a plaintiff’s specific factual
21 allegations may be consistent with a constitutional claim, a court must assess whether there
22 are other “more likely explanations” for a defendant’s conduct. *Id.* at 681.

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

28

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 one-count Complaint, Plaintiff seeks monetary damages, his court costs and
8 fees, and his attorney's fees from Defendants Maricopa County Sheriff Paul Penzone, the
9 Glendale Police Department, the Glendale SWAT Team, and the Glendale K-9 Unit.

10 Plaintiff contends he was subjected to excessive force by Defendant Glendale K-9
11 Unit, in violation of his Fourth Amendment rights. Plaintiff alleges that while he was at
12 his friend's house, he and his friend got into an argument, and his friend called Defendant
13 Glendale Police Department to have Plaintiff removed from the house. He claims his friend
14 advised the 911 dispatcher that Plaintiff was unarmed and in the shower.

15 Plaintiff asserts that when Defendants Glendale SWAT Team and Glendale K-9
16 Unit arrived at the house and instructed everyone to come out, Plaintiff's friend and the
17 friend's father came out of the house. Plaintiff claims he got out of the shower, got dressed,
18 and walked to the entrance of the house. He alleges that when he saw an angry, barking
19 canine, he lifted his shirt to show he was unarmed, turned around slowly to further
20 demonstrate he was not armed, and took a few steps forward, with his hands up. Plaintiff
21 contends the canine immediately became "super aggressive" and was trying to break free
22 from its leash.

23 Plaintiff alleges he became "extremely scar[red] and took one step back," at which
24 point the canine handler "immediately released the dog on Plaintiff." Plaintiff claims that
25 the canine's first bite "took [him] to the ground" and that after the second bite, Plaintiff's
26 hands "c[ame] down to hold his skin in place" and he inched toward the entrance of the
27 house, screaming that he could not put his hands up. Plaintiff contends the dog bit him
28 three more times before the handler pulled the canine off Plaintiff. Plaintiff alleges he was

1 bleeding “all down his left side torso and right index finger” where the canine had bitten
2 him. According to Plaintiff, officers helped him to his feet, handcuffed him, and took him
3 to the hospital, where he received stitches for the bites to his torso and finger.

4 Plaintiff contends the five canine bites were “objectively unreasonable considering
5 the number of officers that were present,” the fact that Plaintiff demonstrated he was
6 unarmed, and the fact that he was “not resistant.” He claims the canine’s deployment was
7 “not in response to a perceived threat” and “a K-9 deployment under the circumstances has
8 no legitimate place in the scheme of law enforcement procedure.” He further alleges that
9 “the deployment of a [‘]bite and hold[’] was purely an intentional infliction of a high level
10 of pain, serious injury, unnecessary pain and suffering, and wretched psychological stress.”

11 Plaintiff indicates he “plans on respectfully requesting . . . that [he] be granted the
12 ability to amend his original complaint so[] that he can identify all named defendants . . .
13 to [prosecute] his claim against[the] K-9 handler, all other Glendale Officers that were
14 present during this horrific display of excessive force, Glendale Police Officers[’] full
15 names, and Glendale SWAT Team Members[’] full names.” Plaintiff also contends he is
16 suing Defendant Penzone in his official capacity because he “is the final policymaker for
17 the County on law-enforcement matters.” In addition, Plaintiff claims the “constitutional
18 injury would not have resulted if municipality properly trained its employe[e]s.”

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

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

25 **A. Defendant Glendale Police Department**

26 Defendant Glendale Police Department is a subpart of the City of Glendale, not a
27 separate entity for purposes of suit. *Gotbaum v. City of Phx.*, 617 F. Supp. 2d 878, 886 (D.
28 Ariz. 2008); *see Braillard v. Maricopa County*, 232 P.3d 1263, 1269 (Ariz. Ct. App. 2010)

1 (county sheriff's office is a nonjural entity); *see also Vicente v. City of Prescott*, 2012 WL
2 1438695, at *3 (D. Ariz. 2012) (city fire department is a nonjural entity); *Wilson v. Yavapai*
3 *County Sheriff's Office*, 2012 WL 1067959, at *4 (D. Ariz. 2012) (county sheriff's office
4 and county attorney's office are nonjural entities). Because Defendant Glendale is not a
5 separate entity, it is not capable of being separately sued. Thus, the Court will dismiss
6 Defendant Glendale Police Department.

7 Moreover, even if Plaintiff had sued the City of Glendale, his allegations do not
8 support a claim. A municipality may not be sued solely because an injury was inflicted by
9 its employees or agents. *Long v. County of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir.
10 2006). The actions of individuals may support municipal liability only if the employees
11 were acting pursuant to an official policy or custom of the municipality. *Botello v.*
12 *Gammick*, 413 F.3d 971, 978-79 (9th Cir. 2005). A § 1983 claim against a municipal
13 defendant "cannot succeed as a matter of law" unless a plaintiff: (1) contends that the
14 municipal defendant maintains a policy or custom pertinent to the plaintiff's alleged injury;
15 and (2) explains how such policy or custom caused the plaintiff's injury. *Sadoski v. Mosley*,
16 435 F.3d 1076, 1080 (9th Cir. 2006) (affirming dismissal of a municipal defendant pursuant
17 to Fed. R. Civ. P. 12(b)(6)). Plaintiff has failed to allege facts to support that the City of
18 Glendale maintained a specific policy or custom that resulted in a violation of Plaintiff's
19 federal constitutional rights and has failed to explain how his injuries were caused by any
20 municipal policy or custom.

21 **B. Defendant Penzone**

22 The acts described in the Complaint involve members of the *City of Glendale* Police
23 Department. Defendant Penzone is the *Maricopa County* Sheriff, is not responsible for
24 training *City of Glendale* employees, and does not create law enforcement policy for the
25 *City of Glendale*. Thus, the Court will dismiss Defendant Penzone.

26 **C. Defendants Glendale SWAT Team and K-9 Unit**

27 The claims against Defendants Glendale SWAT Team and Glendale K-9 Unit
28 consist solely of vague and conclusory allegations against groups of Defendants, without

1 any factual specificity as to what any particular Defendant did or failed to do. This is
2 insufficient. *See Marcilis v. Twp. of Redford*, 693 F.3d 589, 596 (6th Cir. 2012) (upholding
3 dismissal of *Bivens* complaint that referred to all defendants “generally and categorically”
4 because the plaintiff had failed to “allege, with particularity, facts that demonstrate what
5 *each* defendant did to violate the asserted constitutional right.” (quoting *Lanman v.*
6 *Hinson*, 529 F.3d 673, 684 (6th Cir. 2008)); *Robbins v. Oklahoma*, 519 F.3d 1242, 1250
7 (10th Cir. 2008) (“Given the complaint’s use of either the collective term ‘Defendants’ or
8 a list of the defendants named individually but with no distinction as to what acts are
9 attributable to whom, it is impossible for any of these individuals to ascertain what
10 particular unconstitutional acts they are alleged to have committed.”). And while
11 Plaintiff’s allegations against the canine handler are more specific, he has failed to
12 separately name that individual as a Defendant. Thus, the Court will dismiss without
13 prejudice Defendants Glendale SWAT Team and K-9 Unit.

14 **V. Leave to Amend**

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

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

25 A first amended complaint supersedes the original Complaint. *Ferdik v. Bonzelet*,
26 963 F.2d 1258, 1262 (9th Cir. 1992); *Hal Roach Studios v. Richard Feiner & Co.*, 896 F.2d
27 1542, 1546 (9th Cir. 1990). After amendment, the Court will treat the original Complaint
28 as nonexistent. *Ferdik*, 963 F.2d at 1262. Any cause of action that was raised in the

1 original Complaint and that was voluntarily dismissed or was dismissed without prejudice
2 is waived if it is not alleged in a first amended complaint. *Lacey v. Maricopa County*, 693
3 F.3d 896, 928 (9th Cir. 2012) (en banc).

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

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

16 If Plaintiff does not know the names of individual Defendants, he must list the
17 individual unknown Defendants as Defendant John (or Jane) Doe 1, John Doe 2, and so on
18 in the caption of his amended complaint. In the body of the amended complaint, Plaintiff
19 must allege facts to support **how each particular Doe Defendant** violated Plaintiff's
20 rights. It is insufficient to simply list categories of Defendants (such as "SWAT Team"
21 and "K-9 Unit") and make conclusory allegations against them as a group.

22 **VI. Warnings**

23 **A. Release**

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

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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. 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).

D. 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 F.2d at 1260-61 (a district court may dismiss an action for failure to comply with any order of the Court).

IT IS ORDERED:

- (1) Plaintiff’s Application to Proceed In Forma Pauperis (Doc. 2) is **granted**.
- (2) As required by the accompanying Order to the appropriate government agency, Plaintiff must pay the \$350.00 filing fee and is not assessed an initial partial filing fee.
- (3) The Complaint (Doc. 1) is **dismissed** for failure to state a claim. Plaintiff has **30 days** from the date this Order is filed to file a first amended complaint in compliance with this Order.

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(4) If Plaintiff fails to file an 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) and deny any pending unrelated motions as moot.

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

Dated this 18th day of January, 2023.



James A. Teilborg
Senior 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 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 \$402.00 (\$350.00 filing fee plus \$52.00 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. **This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.**
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 \$402 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. **This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.**

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 within 21 days after serving it or within 21 days after any defendant has filed an answer, whichever is earlier. *See Fed. R. Civ. P. 15(a).* Thereafter, 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,

v.

(1) _____,
(Full Name of Defendant)

(2) _____,

(3) _____,

(4) _____,

Defendant(s).

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

CASE NO. _____
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

- Original Complaint
- First Amended Complaint
- Second Amended Complaint

A. JURISDICTION

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

2. Institution/city where violation occurred: _____.

B. DEFENDANTS

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

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

C. PREVIOUS LAWSUITS

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

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

D. CAUSE OF ACTION

COUNT I

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

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

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

_____.

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 I? Yes No
c. Did you appeal your request for relief on Count I to the highest level? Yes No
d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____
_____.

COUNT 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.
 Basic necessities Mail Access to the court Medical care
 Disciplinary proceedings Property Exercise of religion Retaliation
 Excessive force by an officer Threat to safety Other: _____.

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count 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.