

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 **INSTRUCTIONS FOR FILING A COMPLAINT BY A PRISONER**  
4 **UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

5 **I. 42 U.S.C. § 1983**

6 You may file an action under 42 U.S.C. § 1983 to challenge federal constitutional or  
7 statutory violations by state actors which affect the conditions of your confinement.

8 A § 1983 action may not be used to challenge the length of your sentence or the validity  
9 of your conviction. Such claims must be addressed in a petition for a writ of habeas corpus, on  
10 the correct forms provided by the clerk of the court.

11 **II. Filing a § 1983 Action**

12 To file a § 1983 action, you must submit: (1) an original complaint and (2) a check or  
13 money order for \$400.00 or an original Prisoner's In Forma Pauperis Application.

14 This packet includes a complaint form and a Prisoner's In Forma Pauperis Application.  
15 When these forms are fully completed, mail the originals to:

16 Clerk's Office  
17 United States District Court  
18 Northern District of California  
19 450 Golden Gate Avenue Box 36060  
20 San Francisco, CA 94102

21 **III. Filing Fees**

22 The fee for filing a § 1983 action is \$400.00 (\$350 filing fee plus \$50 administrative fee),  
23 to be paid at the time of filing. If you are unable to pay the full fee when you file your complaint,  
24 you may petition the court to proceed in forma pauperis, using the Prisoner's In Forma Pauperis  
25 Application in this packet. Even if you are granted leave to proceed in forma pauperis, you must  
26 still pay the \$350 filing fee (not the \$50 administrative fee), but the filing fee will be paid in  
27 several installments.

28 You must fully complete the Prisoner's In Forma Pauperis Application and sign and  
declare under penalty of perjury that the facts stated therein are true and correct. Each plaintiff  
must submit his or her own Prisoner's In Forma Pauperis Application. You must use the  
Prisoner's In Forma Pauperis Application provided with this packet and not any other version.

29 **IV. Complaint Form**

30 You must complete the entire complaint form. All questions must be answered in order  
31 for your action to proceed. Your responses must be typewritten or legibly handwritten and you  
32 must sign and declare under penalty of perjury that the facts stated in the complaint are true and  
33 correct.

34 Under 42 U.S.C. § 1997e, you are required to exhaust available administrative remedies  
35 before filing a § 1983 action; you must indicate clearly in the space provided on the complaint  
36 form whether you have done so.

1 **V. Consent to Magistrate Judge Jurisdiction**

2 In order to encourage the just, speedy and inexpensive determination of § 1983 cases  
3 filed in this district, the parties may waive their right to proceed before a district judge and  
4 consent to proceed before a magistrate judge for all purposes. In accordance with 28 U.S.C. §  
5 636(c), upon the consent of all the parties to proceed before a magistrate judge for all purposes,  
6 the magistrate judge assigned to this case will conduct all proceedings, decide all dispositive and  
7 non-dispositive matters, and order the entry of the final judgment. The party who does not  
8 prevail may appeal directly to the Ninth Circuit Court of Appeals in the same manner as an  
9 appeal from the final judgment of a district judge.

10 Magistrate judges are selected through a statutorily prescribed merit selection process  
11 and are appointed by the judges of this court. The court encourages the parties to consent to  
12 magistrate judge jurisdiction as it may result in an earlier resolution of the matter. Because of  
13 different calendar pressures, magistrate judges may be able to set hearings and trials sooner than  
14 district judges. But you are free to decline consent to magistrate judge jurisdiction. Please  
15 indicate on the last page of the complaint form whether you consent or decline to consent to  
16 magistrate judge jurisdiction.

17 **VI. After Complaint Is Filed**

18 You will be notified as soon as the court issues any order in your case. It is your  
19 responsibility to keep the court informed of any changes of address to ensure you receive court  
20 orders. Failure to so do may result in dismissal of your action.

21 **VII. Repeat Filers**

22 If you are seeking leave to proceed in forma pauperis and, while incarcerated or detained,  
23 you have filed § 1983 actions on three or more prior occasions which were dismissed as  
24 frivolous, malicious, or for failure to state a claim upon which relief may be granted, you may  
25 not file a new § 1983 action unless you are under imminent danger of serious physical injury. 28  
26 U.S.C. § 1915(g).

27 **VIII. Inquiries and Copying Requests**

28 Because of the large volume of cases filed by inmates in this court and very limited court  
resources, the court cannot answer questions concerning the status of your case or provide copies  
of documents, except at a charge of fifty cents (\$0.50) per page. You should keep a copy of each  
document submitted to the court for your own records.

1 **COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

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

3 (Last)

(First)

(Middle)

4 Prisoner Number: \_\_\_\_\_

5 Institutional Address: \_\_\_\_\_

6 \_\_\_\_\_

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 \_\_\_\_\_ )  
(Enter your full name.) )

11 vs. )

Case No. \_\_\_\_\_

(Leave blank; to be provided by Clerk of Court)

12 )  
13 ) **COMPLAINT UNDER THE**  
14 ) **CIVIL RIGHTS ACT,**  
15 ) **42 U.S.C. § 1983**

15 \_\_\_\_\_ )  
(Enter the full name(s) of the defendant(s) in this action.) )

16  
17 **I. Exhaustion of Administrative Remedies.**

18 *Note:* You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any  
19 unexhausted claims.

20 A. Place of present confinement \_\_\_\_\_

21 B. Is there a grievance procedure in this institution? **YES**  **NO**

22 C. If so, did you present the facts in your complaint for review through the grievance  
23 procedure? **YES**  **NO**

24 D. If your answer is YES, list the appeal number and the date and result of the appeal at each  
25 level of review. If you did not pursue any available level of appeal, explain why.

26 1. Informal appeal: \_\_\_\_\_

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28 \_\_\_\_\_

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2. First formal level: \_\_\_\_\_

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3. Second formal level: \_\_\_\_\_

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4. Third formal level: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E. Is the last level to which you appealed the highest level of appeal available to you?

YES  NO

F. If you did not present your claim for review through the grievance procedure, explain why.

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**II. Parties.**

A. Write your name and present address. Do the same for additional plaintiffs, if any.

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B. For each defendant, provide full name, official position and place of employment.

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1 **III. Statement of Claim.**

2 State briefly the facts of your case. Be sure to describe how each defendant is involved and  
3 to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If  
4 you have more than one claim, each claim should be set forth in a separate numbered paragraph.

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16 **IV. Relief.**

17 Your complaint must include a request for specific relief. State briefly exactly what you  
18 want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

18 \_\_\_\_\_  
19 \_\_\_\_\_  
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21 \_\_\_\_\_  
22 \_\_\_\_\_

23  
24 **I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.**

25 Signed this \_\_\_ day of \_\_\_\_\_, 20\_\_

26  
27 \_\_\_\_\_  
(Plaintiff's signature)

28 ***Please continue to the next page.***

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### MAGISTRATE JUDGE JURISDICTION

Please indicate below by checking **one** of the two boxes whether you choose to consent or decline to consent to magistrate judge jurisdiction in this matter. Sign this form below your selection.

**Consent to Magistrate Judge Jurisdiction**

In accordance with the provisions of 28 U.S.C. § 636(c), I voluntarily **consent** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment.

**OR**

**Decline Magistrate Judge Jurisdiction**

In accordance with the provisions of 28 U.S.C. § 636(c), I **decline** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment.

Signed this \_\_\_ day of \_\_\_\_\_, 20\_\_

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*(Plaintiff's signature)*