



**E-FILED**  
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Clerk, U.S. District Court, ILCD

Kenneth A. Wells  
CLERK OF COURT

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
OFFICE OF THE CLERK**

TEL: 217.492.4020  
FAX: 217.492.4028

Standard 42:1983 Civil Rights Complaint Packet

1. Instructions for filing a Civil Rights Complaint
2. Notice for all parties filing documents concerning Privacy Issues
3. Blank 42:1983 Complaint form
4. Petition and Affidavit for Leave to Proceed in Forma Pauperis
5. Motion to Request Counsel

After the Complaint has been filed, if needed, the Judge will then direct the Clerk's Office to forward or complete any needed summonses and/or U.S. Marshal forms or any other form the Court deems is necessary.

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Peoria Division  
100 N.E. Monroe St.  
Room 309  
Peoria, IL 61602  
309.671.7117

Urbana Division  
201 S. Vine St.  
Room 218  
Urbana, IL 61802  
217.373.5830

Springfield Division  
600 E. Monroe St.  
Room 151  
Springfield, IL 62701  
217.492.4020

Rock Island Division  
211 19<sup>th</sup> St.  
Room 203  
Rock Island, IL 61201  
309.793.5778



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CENTRAL DISTRICT OF ILLINOIS  
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**INSTRUCTIONS FOR PRISONER COMPLAINT FORM FOR  
CIVIL ACTION UNDER 42 U.S.C. §1983 or “BIVENS”**

**1. The form complaint provided with these instructions is designed** primarily for *pro se* prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. §1983 (state, county, or municipal defendants) or in a “*Bivens*” action (federal defendants). The form is for your convenience and to assist the Court in understanding and handling your claims. **You need not use this form to file a complaint, and you do not need to answer all of the questions on the form in order to file a complaint.**

**2. Please be aware that** 42 U.S.C. §1983 and *Bivens* do not cover all prisoners’ claims. Many prisoners’ claims arise from other laws. **Your claim may be based on different or additional sources of federal law. You may adapt the form to your particular claim or draft your own complaint. However, you may find it helpful to review these instructions and the form even if you draft your own complaint, as they highlight important issues you should consider before filing. If you do not know the legal basis for your complaint and you are using the form complaint, check the box for “unknown.”**

**3. Please note that** an action under 42 U.S.C. §1983 or *Bivens* cannot be used to challenge the length of your sentence (including the revocation of good time credits), the validity of your conviction, or, in general, the factual basis for results in a disciplinary proceeding that results in the loss of good time.

**4. It is important to research whether you have a federal claim before filing in federal court because of the “three strikes” rule.** The three strikes rule bars a prisoner from bringing a civil action or appeal in forma pauperis in federal court if that prisoner has “on three (3) or more 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). If your case is dismissed for failure to state a claim, or because it is frivolous or malicious, a strike will be counted against you.

5. Federal law requires prisoners to **exhaust available administrative remedies** before filing an action with respect to prison conditions. 42 U.S.C. §1997e(a). You are not required to allege or prove exhaustion in your complaint. However, the Court must dismiss your case if the defendants prove you failed to exhaust, or if failure to exhaust is clear from the complaint and its attachments. You may attach copies of any documents relating to exhaustion, such as prison grievances, appeals, and official responses. While you are not required to attach these documents, they often assist the Court in understanding your claim.

6. Plaintiffs requiring extra space to state the facts of their case may attach additional pages. However, it is best to include only the basic, relevant facts. Describe the events that you believe amounted to a violation of your federal rights, including dates, places and names. Legal arguments and references to statutes and case law are unnecessary at the pleading stage. Such arguments are appropriate late, for example, in response to a motion to dismiss or for summary judgment.

7. You must sign all pleadings, including the complaint. If there is more than one plaintiff, then each plaintiff must sign all pleadings submitted to the court. Pleadings need not be notarized. However, any false statement of material fact in documents filed with the court may result in dismissal of your case and a possible fine or other civil or criminal penalties. If there is more than one plaintiff, each incarcerated plaintiff is responsible for a separate, complete filing fee.

**8. The filing fee is \$400. If you pay the filing fee in full when you file your complaint, you will be responsible for serving the defendants.**

**9. If you cannot pay the filing fee when you file your complaint, you may petition the Court for leave to proceed in forma pauperis.** Complete and sign, under penalty and fine, the petition and financial affidavit. Your petition does not need to be notarized. The prison should fill in the amount in your trust fund account and provide you with a copy of a six-month ledger of all withdrawals and deposits to your trust fund account. If you have been in more than one institution in the last six months, ledgers are required from each place of confinement.

10. If you are granted leave to proceed in forma pauperis and it is later determined that your allegation of poverty is untrue, your case will be dismissed and you may be subject to sanctions.

**11. You will be responsible for paying the full filing fee in installments, even if you are granted leave to proceed in forma pauperis and even if your case is dismissed.** If you are granted leave to proceed in forma pauperis, the complete filing fee will be collected in monthly installments from your prison account as directed by 28 U.S.C. §1915(b). The fee will be collected regardless of what happens to your case. For example, the fee is still owed even if your case is dismissed before service for any reason, including dismissal for failure to state a claim or for failure to exhaust administrative remedies.

12. To open a case, mail to the appropriate Clerk's Office the following<sup>1</sup>: 1) a signed, original complaint; and 2) the \$400. filing fee, or your petition to proceed in forma pauperis. The original complaint may be handwritten. Don't forget to keep a copy of the complaint for yourself.

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<sup>1</sup>The assignment of cases among the Peoria, Urbana, Springfield, and Rock Island Divisions is set forth in the court's local rules.

13. If you are granted leave to proceed in forma pauperis and your case is allowed to proceed, the court will direct service on the defendants. **You must provide the full name and a current working address for each defendant.** Otherwise, service may be unsuccessful and may result in dismissal of a defendant. It is your responsibility to discover the correct names and addresses of the defendants, either through your own investigation or by serving discovery requests on **the defendants who appear in the case. If you are unable to discover this information despite diligent efforts, you may file a motion with the court explaining your efforts and the response you have received.**

14. If you ask the Clerk to send you copies of documents, you must provide the court with a stamped, self-addressed envelope. If you wish the Clerk to return a file-stamped copy of any document, you must provide an extra copy of the document. The Clerk cannot photocopy documents for you unless the copy fee is submitted in advance. The copy fee is \$0.10 per page for documents that were e-filed, or \$0.50 per page for documents that were not e-filed.

15. Each plaintiff must notify the court in writing of any change of address. Failure to notify the court of a change in your address could result in dismissal of your case.

16. If you have any questions, please consult the court's local rules concerning pretrial procedures in prisoner cases, which should be available in your place of incarceration. If you need further assistance, you may write to the Clerk. The Clerk cannot give legal advice or perform legal research for litigants, but may be able to help you with filing procedures.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS**

**NOTICE FOR ALL PARTIES FILING DOCUMENTS  
CONCERNING PRIVACY ISSUES**

This court now makes documents available electronically through the Court's Case Management Electronic Case Filing System (CMECF). Documents filed by Pro Se parties will be electronically scanned and uploaded into CMECF. The content of these documents will also be made available on the Court's Internet webpage via PACER (Public Access to Court Electronic Records). Any subscriber to CMECF or PACER will be able to read, download, store, and print the full content of electronically filed documents. The clerk's office will not make electronically available documents that have been sealed or otherwise restricted by court order.

If sensitive information must be included, the following personal identifiers must be partially redacted, whether it is filed traditionally or electronically as follows:

- (a) Social Security Numbers - Use only the last four digits.
- (b) Minor's Names - Use the minor's initials.
- (c) Date of Birth - Use only the year.
- (d) Addresses - Use only City and State.
- (e) Driver's License Number - Use only the last four digits.
- (f) Financial Account Numbers - Identify the name or type of account and the financial institution where maintained, but use only the last four digits of the account number.

# United States District Court

CENTRAL DISTRICT OF ILLINOIS

\_\_\_\_\_, )  
 )  
Plaintiff )  
 )  
vs. )  
 )  
\_\_\_\_\_, )  
\_\_\_\_\_, )  
\_\_\_\_\_, )  
\_\_\_\_\_, )  
\_\_\_\_\_, )  
\_\_\_\_\_, )  
\_\_\_\_\_, )  
\_\_\_\_\_, )  
 )  
Defendant(s) )

Case No. \_\_\_\_\_  
(The case number will be assigned by the clerk)

*(List the full name of ALL plaintiffs and defendants in the caption above. If you need more room, attach a separate caption page in the above format).*

## COMPLAINT\*

*Indicate below the federal legal basis for your complaint, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants). However, 42 U.S.C. § 1983 and "Bivens" do not cover all prisoners' claims. Many prisoners' legal claims arise from other federal laws. Your particular claim may be based on different or additional sources of federal law. You may adapt this form to your claim or draft your own complaint.*

- 42 U.S.C. §1983 (state, county or municipal defendants)
- Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971)(federal defendants)
- Other federal law: \_\_\_\_\_
- Unknown \_\_\_\_\_

***\*Please refer to the instructions when filling out this complaint. Prisoners are not required to use this form or to answer all the questions on this form in order to file a complaint. This is not the form to file a habeas corpus petition.***

## I. FEDERAL JURISDICTION

Jurisdiction is based on 28 U.S.C. § 1331, a civil action arising under the United States Constitution or other federal law. *(You may assert a different jurisdictional basis, if appropriate).*

## II. PARTIES

### A. Plaintiff:

Full Name: \_\_\_\_\_

Prison Identification Number: \_\_\_\_\_

Current address: \_\_\_\_\_

\_\_\_\_\_

*For additional plaintiffs, provide the information in the same format as above on a separate page. If there is more than one plaintiff, each plaintiff must sign the Complaint, and each plaintiff is responsible for paying his or her own complete, separate filing fee.*

### B. Defendants

#### Defendant #1:

Full Name: \_\_\_\_\_

Current Job Title: \_\_\_\_\_

Current Work Address \_\_\_\_\_

\_\_\_\_\_

#### Defendant #2:

Full Name: \_\_\_\_\_

Current Job Title: \_\_\_\_\_

Current Work Address \_\_\_\_\_

\_\_\_\_\_

#### Defendant #3:

Full Name: \_\_\_\_\_

Current Job Title: \_\_\_\_\_

Current Work Address \_\_\_\_\_

\_\_\_\_\_

Defendant #4:

Full Name: \_\_\_\_\_

Current Job Title: \_\_\_\_\_

Current Work Address \_\_\_\_\_

\_\_\_\_\_

Defendant #5:

Full Name: \_\_\_\_\_

Current Job Title: \_\_\_\_\_

Current Work Address \_\_\_\_\_

\_\_\_\_\_

*For additional defendants, provide the information in the same format as above on a separate page.*

### III. LITIGATION HISTORY

*The "three strikes rule" bars a prisoner from bringing a civil action or appeal in forma pauperis in federal court if that prisoner has "on 3 or more 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).*

A. Have you brought any other lawsuits in state or federal court dealing with the same facts involved in this case?      Yes       No

If yes, please describe \_\_\_\_\_

\_\_\_\_\_

B. Have you brought any other lawsuits in federal court while incarcerated?

Yes       No



C. If your answer to B is yes, how many? \_\_\_\_\_ Describe the lawsuit(s) below.

1. Name of Case, Court and Docket Number

\_\_\_\_\_

2. Basic claim made \_\_\_\_\_

3. Disposition (That is, how did the case end? Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

*For additional cases, provide the above information in the same format on a separate page.*

#### IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

*Prisoners must exhaust available administrative remedies before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). You are not required to allege or prove exhaustion of administrative remedies in the complaint. However, your case must be dismissed if the defendants show that you have not exhausted your administrative remedies, or if lack of exhaustion is clear from the complaint and its attachments. You may attach copies of materials relating to exhaustion, such as grievances, appeals, and official responses. These materials are not required to file a complaint, but they may assist the court in understanding your claim.*

A. Is there a grievance procedure available at your institution? Yes  No

B. Have you filed a grievance concerning the facts relating to this complaint?

Yes  No

If your answer is no, explain why not \_\_\_\_\_  
\_\_\_\_\_

C. Is the grievance process completed? Yes  No

V. STATEMENT OF CLAIM

Place(s) of the occurrence \_\_\_\_\_

Date(s) of the occurrence \_\_\_\_\_

*State here briefly the FACTS that support your case. Describe what each defendant did to violate your federal rights. You do not need to give any legal arguments or cite cases or statutes. Number each claim in a separate paragraph. Unrelated claims should be raised in a separate civil action.*

*THE COURT URGES YOU TO USE ONLY THE SPACE PROVIDED. Federal Rule of Civil Procedure 8(a) requires only a "short and plain statement" of your claim showing that you are entitled to relief. It is best to include only the basic, relevant facts, including dates, places, and names.*

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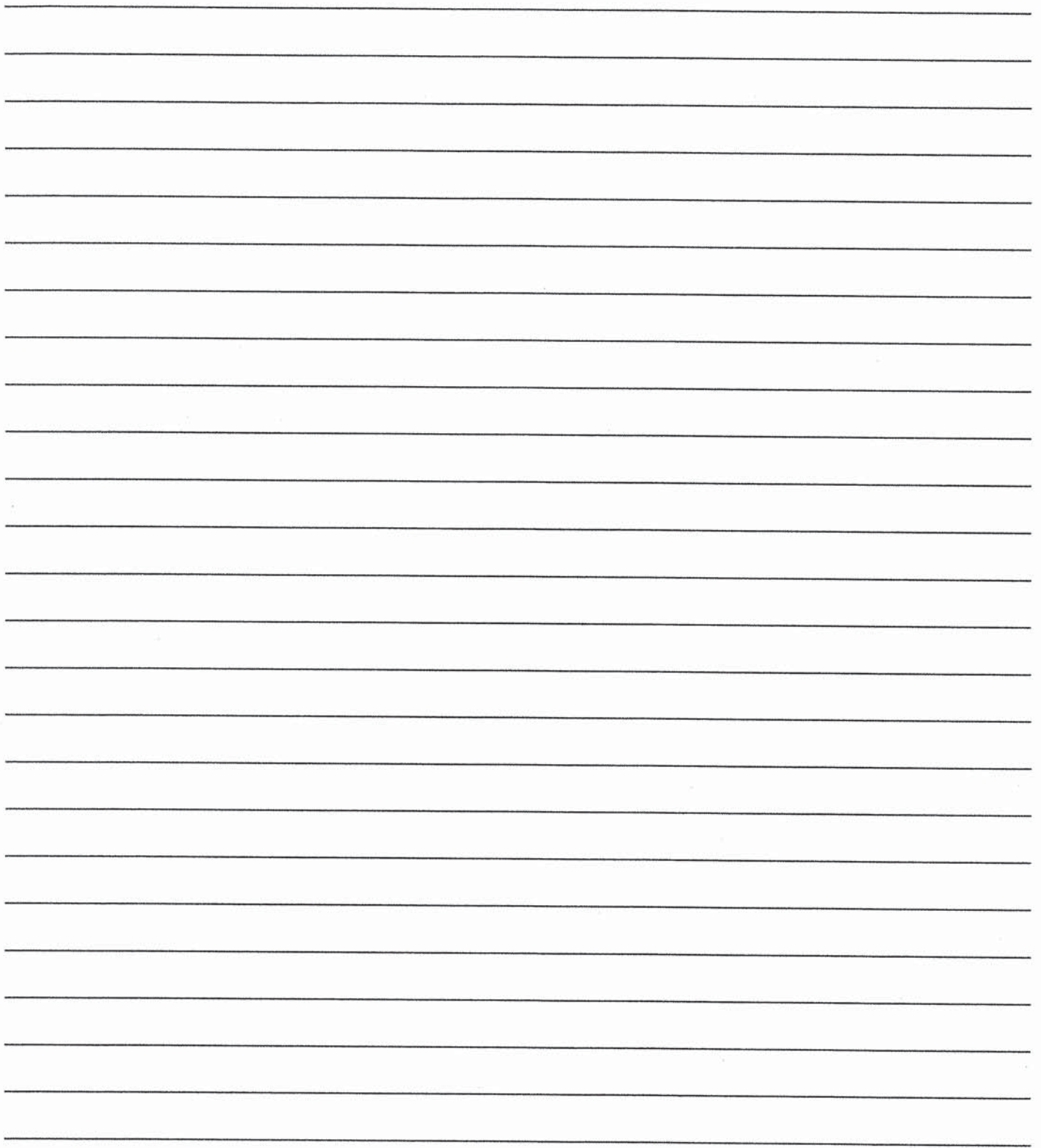
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RELIEF REQUESTED

(State what relief you want from the court.)

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JURY DEMAND

Yes

No

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

\_\_\_\_\_  
( Signature of Plaintiff)

Name of Plaintiff:	Inmate Identification Number:
Address:	Telephone Number:

UNITED STATES DISTRICT COURT
for the

Plaintiff/Petitioner
v.
Defendant/Respondent
Civil Action No.

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. If incarcerated. I am being held at:
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. If not incarcerated. If I am employed, my employer's name and address are:

My gross pay or wages are: \$
, and my take-home pay or wages are: \$ per
(specify pay period)

3. Other Income. In the past 12 months, I have received income from the following sources (check all that apply):

- (a) Business, profession, or other self-employment
(b) Rent payments, interest, or dividends
(c) Pension, annuity, or life insurance payments
(d) Disability, or worker's compensation payments
(e) Gifts, or inheritances
(f) Any other sources

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ \_\_\_\_\_ .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (*describe the property and its approximate value*):

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and provide the amount of the monthly expense*):

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

8. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*):

*Declaration:* I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Applicant's signature*

\_\_\_\_\_  
*Printed name*

**UNITED STATES DISTRICT COURT**  
**for the**  
**Central District of Illinois**

Plaintiff(s)	)		
	)		
vs.	)	Case Number:	
	)		
Defendant(s)	)		

**MOTION TO REQUEST COUNSEL**

1. I, \_\_\_\_\_, declare that I am (check one)  
 Plaintiff     Defendant in the above-entitled proceeding and state that I am unable to afford the services of an attorney, and I request that the Court assist me in seeking volunteer counsel to represent me in this proceeding.
  
2. In support of my motion, I declare that I have contacted the following attorneys/organizations seeking representation in this case: **(This item must be completed, and you should attach documentation showing that you have asked several attorneys to represent you in this case.)**
  
3. In further support of my motion, I declare that (check appropriate box):
  - I am not currently, nor previously have been represented by an attorney appointed by the Court in this or any other civil or criminal proceeding before this Court.
  - I am currently, or previously have been, represented by an attorney appointed by this Court in the proceeding(s) described on the back of this page.
  
4. In further support of my motion, I declare that (check appropriate box):
  - I have attached an original Application to Proceed In Forma Pauperis detailing my financial status.
  - I have previously filed an Application to Proceed In Forma Pauperis in this proceeding and it is a true and correct representation of my financial status.



4. (continued)

I have previously filed an Application to Proceed In Forma Pauperis in this proceeding; however, my financial status has changed and I have attached an amended Application to Proceed In Forma Pauperis to reflect my current financial status.

5. In further support of my motion, I declare that my highest level of education is (check one):

Grammar school only       Some high school       High School graduate

Some college       College graduate       Post-graduate

6. (Check only if applicable):  In further support of my motion, I declare that my ability to speak, write, and/or read English is limited, because English is not my primary language or because (explain reason):

7. I declare under penalty of perjury that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Movant's Signature

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City/State/Zip

**Failure to complete all items in this form may result in the denial of this motion.**