

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

**Instructions for Filing a Civil Rights Complaint
by an Incarcerated Individual**

A. Who May Use This Form

If you are incarcerated, you must use the attached form (unless you are challenging your sentence or conviction, see next paragraph). The attached civil rights complaint form is designed to help you prepare a complaint seeking relief for alleged violations of your federal civil rights. These complaints are usually about the conditions of your confinement, but they may relate to other issues (except for your sentence and conviction, see next paragraph).

Do not use this form if you are challenging the length of your sentence or the validity of your conviction. If you want to challenge a state conviction or sentence, you should file a petition under 28 U.S.C. § 2254 for 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 judgment.

B. Filing a Civil Rights Action

To initiate a civil rights action, you must submit:

- 1) a completed complaint form
and
- 2) a check or money order for \$405 (which includes the \$350 filing fee and the \$55 administrative fee), or an inmate application to proceed *in forma pauperis*.

If you can pay the full \$405 filing fee, please send a check or money order made payable to “CLERK, U.S. DISTRICT COURT” with your complaint. If you cannot pay the entire filing fee when you submit your complaint, please complete an inmate’s application to proceed *in forma pauperis*, which is available at your institution. You may request the packet titled “Information for Filing an Application to Proceed *In Forma Pauperis* by an Inmate under 28 U.S.C. § 1915.”

You must file your complaint in the unofficial division where you are incarcerated. See Local Rules of Practice for the United States District Court for the District of Nevada (“LR”) IA 1-6, 1-8. The Clerk of the Court maintains offices in Las Vegas and Reno at these addresses:

Unofficial Southern Division (Clark, Esmeralda, Lincoln, & Nye counties):

U.S. District Court Office of the Clerk
333 Las Vegas Boulevard, South, Room #1334
Las Vegas, NV 89101

Unofficial Northern Division (all other counties):

U.S. District Court Office of the Clerk
400 S. Virginia Street, Room #301
Reno, NV 89501

Please continue to use electronic filing if it is available at your facility or institution.

C. Completing the Civil Rights Complaint Form

General Information

- **You must complete the form in its entirety.** All questions must be answered in order for your action to proceed. Your responses must be typewritten or legibly handwritten. You must sign page 6 of the form and declare under penalty of perjury that the facts stated in the complaint are true and correct.
- Do not write on the back of any of the pages. All information must be clearly and concisely written in the space provided on the form. Do not write in the margins. If you attach additional pages to the form, you must identify which section of the complaint is being continued and number the pages accordingly (e.g., 2-A, 2-B, 3-A, 3-B, etc.).
- All incarcerated litigants are required to follow the Local Rules of Practice for the United States District Court for the District of Nevada. A copy of the Local Rules is maintained at each Nevada Department of Corrections Facility.
- All incarcerated litigants are required to follow General Order 2021-05 for the United States District Court for the District of Nevada.
- A civil cover sheet is not required in prisoner civil rights cases.

Length

- Your complaint or amended complaint may not be more than 30 pages long.
- It is not necessary to attach exhibits or affidavits to the complaint or any amended complaint. Rather, the complaint or any amended complaint must sufficiently state the facts and claims without reference to exhibits or affidavits. Failure to state the facts and claims within the body of the complaint or amended complaint, without reference to any attached exhibits or affidavits, may result in dismissal.
- If you believe that you need to file a complaint or amended complaint that is longer than 30 pages, you must file a motion seeking permission to exceed the page limit and explain your reasons for exceeding the 30-page limit. Your motion to exceed the page limit may not be longer than 3 pages.

Heading/Caption

- Your Name: Print your full name, prison or inmate number, and institutional mailing address on the lines provided.
- Defendants: If there are five or fewer defendants, print the name of each. If you are suing more than five defendants, print the name of the first defendant on the first line and write “see additional pages for defendants” on the second line. On an additional page, you must list the names of all defendants. Insert this additional page after page 1 and number the page “1-A” at the bottom.
- Identify Complaint: You must mark the box identifying whether the instant complaint is the original, first amended, or second amended complaint.
- Jury Demand: If you want a jury trial, you must check the box for “Jury Trial Demanded.”

Part A: Jurisdiction

- 42 U.S.C. § 1983 Action: If you are filing a complaint naming a state, county, or city official as a defendant, mark the box for “28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983.”
- Bivens Action: If you are filing a complaint naming a federal officer as a defendant, mark the box for “28 U.S.C. § 1331; *Bivens v. Six Unknown Named Agents*.”
- Fill in the requested information about your current institution/city and the institution/city where the violations occurred.

Part B: Defendants

- Fill in the requested information about each of the defendants in the spaces provided. If you are naming more than five defendants, you must provide the necessary information about each additional defendant on separate pages labeled “2-A”, “2-B”, etc. at the bottom of the page. Insert the additional page(s) immediately behind page 2.

Part C: Nature of the Case

- Briefly give an overview of your case by providing general facts about your case. This is not the place to provide detailed information about what each defendant did to violate your rights (see Part D).

Part D: Cause(s) of Action

- This is where you identify what rights you claim the defendant(s) violated. The form provides three pages for alleging three claims. If you are alleging more than three claims, then attach an additional page for each additional claim (so that there is only one claim per page). Number the additional pages “5-A,” “5-B,” etc. and insert the pages immediately behind page 5. Remember, your complaint may not exceed 30 pages.
 - **Claims:** You must identify which civil right was violated. **You may allege the violation of only one civil right per claim.**
 - **Issues Involved:** Check the box that most closely identifies the issue involved in your claim. **You may check only one box per claim.** If you mark the box “Other,” you must identify the specific issue involved.
 - **Date(s):** Identify the date(s) or date range of the alleged violation.
 - **Supporting Facts:** You must state facts supporting the violation. You should be as specific as possible and describe what each individual defendant did to violate your rights. You should name the individual defendants and include dates when possible.
- You must follow the Federal Rules of Civil Procedure when drafting your claims and allegations.
 - Your complaint must contain “a short and plain statement of the claim showing that [you are] entitled to relief.” Fed. R. Civ. P. 8(a)(2).
 - “Each allegation must be simple, concise, and direct.” Fed. R. Civ. P. 8(d)(1).
 - “A party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). Each claim founded on a separate transaction or occurrence must be stated in a separate claim. *Id.*
 - You may add multiple claims to a lawsuit when those claims are against the same defendant. Fed. R. Civ. P. 18(a).
 - You may add multiple parties to a lawsuit where the right to relief arises out of the “same transaction, occurrence, or series of transactions or occurrences.” Fed. R. Civ. P. 20(a)(2)(A).
 - Unrelated claims that involve different defendants must be brought in separate lawsuits.

Part E: Previous Lawsuits

- You must answer the questions in this section by marking “yes” or “no.”

Part F: 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. If someone wrote this civil rights complaint for you (such as an inmate law clerk), that person must write their name on the line next to your signature.

D. Amended Complaints

If you need to change any information in the initial complaint, you must file an amended complaint. The amended complaint must be written on a new, blank copy of the attached civil rights complaint form. The amended complaint must be complete and may not incorporate by reference any part of your prior complaint. Any allegations or defendants not included in the amended complaint are considered abandoned. Please refer to LR 15-1 and Fed. R. Civ. P. 15 for how and when a party may move the court to file an amended complaint.

Name and Inmate Booking Number

Place of Confinement

Mailing Address

City, State, Zip Code

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

_____,
Plaintiff

vs.

(1) _____,

(2) _____,

(3) _____,

(4) _____,

(5) _____,
Defendant(s).

Case No. _____
(To be supplied by Clerk of Court)

**CIVIL RIGHTS COMPLAINT
BY AN INMATE**

- Original Complaint
 First Amended Complaint
 Second Amended Complaint
- Jury Trial Demanded

A. JURISDICTION

- 1) This Court has jurisdiction over this action pursuant to:
 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
 28 U.S.C. § 1331; *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)
 Other: _____
- 2) Institution/city where Plaintiff currently resides: _____
- 3) Institution/city where violation(s) occurred: _____

B. DEFENDANTS

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

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

C. NATURE OF THE CASE

Briefly state the background of your case.

CLAIM 2

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

2. **Claim 2.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Medical care | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Access to the court | <input type="checkbox"/> Excessive force by officer | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____. | |

3. **Date(s) or date range** of when the violation occurred: _____.

4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 2. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

E. PREVIOUS LAWSUITS

- 1. Have you filed any other lawsuits while incarcerated? Yes No
- 2. Has this Court or any other court designated you as subject to “three strikes” under 28 U.S.C. § 1915(g)? Yes No
- 3. If you have “three strikes” under 28 U.S.C. § 1915(g), does this complaint demonstrate that you are “under imminent danger of serious physical injury?” Yes No

F. REQUEST FOR RELIEF

I believe I am entitled to the following relief: _____

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** *See* 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

 (name of person who prepared or helped prepare this complaint if not the plaintiff)

 (signature of plaintiff)

 (date)

ADDITIONAL PAGES

You must answer all questions concisely in the proper space on the form. Your complaint may not be more than 30 pages long. It is not necessary to attach exhibits or affidavits to the complaint or any amended complaint. Rather, the complaint or any amended complaint must sufficiently state the facts and claims without reference to exhibits or affidavits. If you need to file a complaint that is more than 30 pages long, you must file a motion seeking permission to exceed the page limit and explain the reasons that support the need to exceed 30 pages in length.