

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

**INSTRUCTIONS FOR FILING A CIVIL RIGHTS COMPLAINT
BY AN INCARCERATED INDIVIDUAL UNDER 42 U.S.C. § 1983**

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 42 U.S.C. § 1983 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 § 1983 Civil Rights Action

To initiate a § 1983 civil rights action, you must submit:

- 1) a completed complaint form

and

- 2) a check or money order for \$402 (which includes the \$350 filing fee and the \$52 administrative fee), or an inmate application to proceed *in forma pauperis*.

If you can pay the full \$402 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 9 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.
- A civil cover sheet is not required in prisoner civil rights cases.

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.
- Jury Demand: If you want a jury trial, you must write "JURY TRIAL DEMANDED" in the space below "CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983."
- Bivens Action: If you are filing a complaint in which you are naming a federal officer as a defendant instead of a state, county, or city official, you should cross out "42 U.S.C. § 1983" and below it write "*BIVENS ACTION*."

Part A: Jurisdiction

- Page 1: Fill in all of the requested information about you on page 1 in the spaces provided.
- Page 2: Fill in all of the requested information about each of the defendants in the spaces provided. If you are naming more than five defendants, then make a copy of page 2 of the form and provide the necessary information for the additional defendants. Label the page(s) "2-A", "2-B", etc. at the bottom of the page and insert the additional page(s) immediately behind page 2.
- Page 3: If you wish to assert jurisdiction under a different or additional statute(s), list them on page 3.

Part B: 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 C).

Part C: Cause 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 "6-A," "6-B," etc. and insert the pages immediately behind page 6.
- You must identify which civil rights you claim have been violated.
- 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 count. *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 D: Previous Lawsuits

- You must identify any other lawsuit you have filed in either state or federal court that relates to the same or similar claims that you have alleged in this civil rights complaint.

Part E: 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 in itself 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

Prison Number

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

_____,
Plaintiff

vs.

_____,
Defendant(s).

Case No. _____
(Supplied by Clerk of Court)

**CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983**

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, _____,
(print plaintiff's name)

who presently resides at _____, were violated by

the actions of the below-named individuals that were directed against Plaintiff at

_____ on the following dates:
(institution/city where violation occurred)

_____, _____, and _____.
(Claim 1) (Claim 2) (Claim 3)

**Make a copy of this page to provide the below
information if you are naming more than five (5) defendants**

2) Defendant _____ resides at _____, and is
(full name of first defendant) (address of first defendant)
employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: _____

3) Defendant _____ resides at _____, and is
employed as _____. This defendant is sued in his/her
____ individual ____ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: _____

4) Defendant _____ resides at _____, and is
employed as _____. This defendant is sued in his/her
____ individual ____ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: _____

5) Defendant _____ resides at _____, and is employed as _____. This defendant is sued in his/her ____ individual ____ official capacity. (Check one or both.) Explain how this defendant was acting under color of law: _____

6) Defendant _____ resides at _____, and is employed as _____. This defendant is sued in his/her ____ individual ____ official capacity. (Check one or both.) Explain how this defendant was acting under color of law: _____

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

8) Briefly state the background of your case.

C. CAUSE(S) OF ACTION

CLAIM 1

The following civil rights have been violated: _____

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

CLAIM 2

The following civil rights have been violated: _____

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

CLAIM 3

The following civil rights have been violated: _____

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

- 9) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If more than one, describe the others on an additional page answering the following questions.)
- a) Defendants: _____
 - b) Name of court and docket number: _____
 - c) Disposition (for example, was the case dismissed, appealed or is it still pending?):

 - d) Issues raised: _____

 - e) Approximate date it was filed: _____
 - f) Approximate date of disposition: _____
- 10) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page answering the following questions.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

D. 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)