

**INSTRUCTIONS FOR FILING A PRISONER  
CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983 or  
*BIVENS V. SIX UNKNOWN FED. NARCOTICS AGENTS*  
IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY**

**COMPLAINT (FORM "A")**

- (1) The complaint must be legibly handwritten or typewritten on the form provided by the Court. It must be signed by each plaintiff. All questions must be answered concisely in the proper space provided on the form. Do NOT write on the back of any page.
- (2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation to authorities is necessary. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) **Keep a copy of the complaint for your files.**
- (4) Exhaustion of available administrative remedies is mandatory and unexhausted claims cannot be brought in court. However, you are **not** required to specifically plead or demonstrate exhaustion in your complaint.
- (5) On the form Complaint, you will be asked to state whether you are suing each defendant in his/her "individual capacity" or "official capacity" or in both capacities. To illustrate the difference, when you sue someone in his/her "individual capacity" for monetary relief, you are asking the Court to make that person pay you money from his/her own funds because of something he/she did or did not do that violated your constitutional rights. By contrast, when you sue someone in an "official capacity" for monetary relief, even though you name the person, the law views the claim as being brought only against the person's employer, which is usually a city, county or state. Thus, when you sue someone in his/her "official capacity," you are asking the Court to make a city, county or state pay you money because the city, county or state caused the constitutional violation. You may sue a defendant in either his/her individual capacity or official capacity or you may sue a defendant in both capacities.
- (6) You must support your claim(s) with facts. Failure to assert a factual basis in support of your claim(s) will result in its dismissal.

## SUMMONS (FORM "B")

- (1) Prepare a summons for each defendant you have sued.
- (2) Write or type the defendant's name and address on the summons in the space provided. You are responsible for providing the address for each defendant and preparing the summons. The Court cannot prepare your summonses.
- (3) Write or type your name in the space provided.
- (4) **DO NOT** fill in any other part of the summons form.
- (5) **DO NOT** mail the summons to any of the defendants.

## FILING FEE/APPLICATION TO PROCEED WITHOUT PREPAYMENT (FORM "C")

- (1) You must submit a **filing fee of \$350.00** when you file your complaint.
- (2) If you do not have the necessary funds to pay the filing fee, you may seek to proceed *in forma pauperis* by filing an **application to proceed without prepayment of filing fees**. If the Court grants the request, you will be permitted to pay the \$350.00 filing fee in installments per the assessment procedure set forth in 28 U.S.C. § 1915(b).

To the application to proceed without prepayment of fees, you **MUST** attach a certified copy of your inmate or prison trust account statement for the 6-month period *immediately* preceding the filing of the complaint. If after notice and an opportunity to comply, you fail to provide the necessary documentation, the Court will deny the application.

If the Court dismisses your case because you failed to provide all the necessary documentation, because you requested a voluntary dismissal, or for any other reason, **YOU WILL STILL BE REQUIRED TO PAY THE FILING FEE IN FULL**. Your responsibility to pay is not dependent upon your winning your case.

## FILING THE COMPLAINT

Mail the following to the Clerk for filing:

- (1) The original complaint. (Form "A").
- (2) A summons for each defendant. (Form "B").
- (3) (a) A check or money order in the amount of \$350.00 made payable to the Clerk, **United States District Court**; OR (b) an application to proceed without prepayment of filing fees (Form "C") along with a certified copy of your inmate or prison trust account statement for the 6-month period immediately preceding the filing of the complaint.

The Clerk's Office mailing addresses are:

LOUISVILLE	PADUCAH
601 W. Broadway, Rm 106 Gene Snyder United States Courthouse Louisville, KY 40202	501 Broadway, Suite 127 Paducah, KY 42001-6801

BOWLING GREEN	OWENSBORO
241 East Main Street, Suite 120 Bowling Green, KY 42101-2175	423 Frederica Street, Suite 126 Owensboro, KY 42301-3013

## PRIVACY NOTICE

Review the attached amended notice of electronic availability of civil case file information. It is your responsibility to exclude and/or redact sensitive information identified in documents that you file.

Form A

CIVIL RIGHTS COMPLAINT TO BE USED BY A PRO SE PRISONER  
UNDER 42 U.S.C. § 1983 or  
UNDER BIVENS V. SIX UNKNOWN FED. NARCOTICS AGENTS

Rev. 1/07

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY

\_\_\_\_\_  
\_\_\_\_\_

(Full name of the Plaintiff(s) in this action)

v.

CIVIL ACTION NO. \_\_\_\_\_  
(To be supplied by the clerk)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEMAND FOR JURY TRIAL

NO JURY TRIAL DEMAND  
(Check only one)

(Full name of the Defendant(s) in this action)

I. PARTIES

(A) Plaintiff(s). Place the full name of the Plaintiff in the first blank below, his/her place of confinement, address, and status. Repeat this procedure for each additional Plaintiff named, if any.

(1) Name of Plaintiff: \_\_\_\_\_

Place of Confinement: \_\_\_\_\_

Address: \_\_\_\_\_

Status of Plaintiff: CONVICTED  PRETRIAL DETAINEE

(2) Name of Plaintiff: \_\_\_\_\_

Place of Confinement: \_\_\_\_\_

Address: \_\_\_\_\_

Status of Plaintiff: CONVICTED ( ) PRETRIAL DETAINEE ( )

(3) Name of Plaintiff: \_\_\_\_\_

Place of Confinement: \_\_\_\_\_

Address: \_\_\_\_\_

Status of Plaintiff: CONVICTED ( ) PRETRIAL DETAINEE ( )

**(B) Defendant(s).** Place the full name of the Defendant in the first blank below, his/her official position title in the second blank, and his/her place of employment in the third blank. Mark the capacity in which the Defendant is being sued. Repeat this procedure for each additional Defendant named, if any.

(1) Defendant \_\_\_\_\_ is employed  
as \_\_\_\_\_ at \_\_\_\_\_.

The Defendant is being sued in his/her ( ) individual and/or ( ) official capacity.

(2) Defendant \_\_\_\_\_ is employed  
as \_\_\_\_\_ at \_\_\_\_\_.

The Defendant is being sued in his/her ( ) individual and/or ( ) official capacity.

(3) Defendant \_\_\_\_\_ is employed  
as \_\_\_\_\_ at \_\_\_\_\_.

The Defendant is being sued in his/her ( ) individual and/or ( ) official capacity.

(4) Defendant \_\_\_\_\_ is employed  
as \_\_\_\_\_ at \_\_\_\_\_.

The Defendant is being sued in his/her ( ) individual and/or ( ) official capacity.

(5) Defendant \_\_\_\_\_ is employed  
as \_\_\_\_\_ at \_\_\_\_\_.

The Defendant is being sued in his/her ( ) individual and/or ( ) official capacity.

**II. PREVIOUS LAWSUITS**

(A) Have you begun other lawsuits in State or Federal court dealing with the same facts involved in this action? YES ( ) NO ( )

(B) If your answer to "A" is YES, describe the lawsuit in the spaces below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper, using the same outline.

Parties to the previous lawsuit:

Plaintiff(s): \_\_\_\_\_

\_\_\_\_\_

Defendant(s): \_\_\_\_\_

\_\_\_\_\_

Court (if federal court, name the district. If state court, name the county):

\_\_\_\_\_

Docket number: \_\_\_\_\_

Name of judge to whom the case was assigned: \_\_\_\_\_

Type of case (for example, habeas corpus or civil rights action): \_\_\_\_\_

Disposition (for example, Was the case dismissed? Is it still pending? Is it on appeal?):

\_\_\_\_\_

Approximate date of filing lawsuit: \_\_\_\_\_

Approximate date of disposition: \_\_\_\_\_





**IV. RELIEF**

State exactly what you want the Court to do for you. If you seek relief which affects the fact or duration of your imprisonment (for example: release from illegal detention, restoration of good time, expungement of records, release on parole), you must file your claim under 28 U.S.C. §§ 2241, 2254 or 2255. The Plaintiff(s) want(s) the Court to:

\_\_\_\_\_ award money damages in the amount of \$ \_\_\_\_\_

\_\_\_\_\_ grant injunctive relief by \_\_\_\_\_

\_\_\_\_\_ award punitive damages in the amount of \$ \_\_\_\_\_

\_\_\_\_\_ other: \_\_\_\_\_

**V. DECLARATION UNDER PENALTY OF PERJURY  
(each Plaintiff must sign for him/herself)**

I, the undersigned, declare under penalty of perjury that the information contained in this document is true and correct.

This \_\_\_ day of \_\_\_\_\_, 20\_\_.

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

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

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

I hereby certify that a copy of this complaint was delivered to the prisoner mail system for mailing on \_\_\_\_\_.

\_\_\_\_\_  
(Signature)

# UNITED STATES DISTRICT COURT

for the

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

## Summons in a Civil Action

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within \_\_\_\_ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

\_\_\_\_\_  
Name of clerk of court

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

\_\_\_\_\_  
Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*

**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_  
\_\_\_\_\_; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

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

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

# UNITED STATES DISTRICT COURT

for the

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

## Summons in a Civil Action

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within \_\_\_\_ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

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

\_\_\_\_\_  
Name of clerk of court

\_\_\_\_\_  
Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*

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by:

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\_\_\_\_\_; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

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

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

# UNITED STATES DISTRICT COURT

for the

_____	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Defendant	)	

### Summons in a Civil Action

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within \_\_\_ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

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

\_\_\_\_\_  
Name of clerk of court

\_\_\_\_\_  
Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*

**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_  
\_\_\_\_\_; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_, or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

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

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

# United States District Court

WESTERN DISTRICT OF KENTUCKY

**PRISONER APPLICATION TO PROCEED  
WITHOUT PREPAYMENT OF FEES AND  
AFFIDAVIT**

\_\_\_\_\_, Plaintiff

v.

\_\_\_\_\_, Defendant(s)

CASE NUMBER: \_\_\_\_\_

I, \_\_\_\_\_, swear or affirm under penalty of perjury that I am the (check appropriate box)

petitioner/plaintiff/movant     other \_\_\_\_\_

in the above-named proceeding, that I am unable to pay the costs of these proceedings, and that I believe I am entitled to the relief sought in the complaint/petition/motion. I further swear or affirm under penalty of perjury under United States laws that my answers on this form and any attachments are true and correct.

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0" or "none," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name and the question number.

Signed: \_\_\_\_\_

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

Print your Name: \_\_\_\_\_

1. State the place of your incarceration: \_\_\_\_\_  
Your prisoner identification number: \_\_\_\_\_
2. Are you currently employed at the jail/prison/correctional facility?     Yes     No  
Do you receive payment from the jail/prison/correctional facility?     Yes     No
3. Estimate the average amount of money received from each of the following sources during the past 12 months. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source	Amount received during the past 12 months	Amount expected to receive in the future
Employment/Self-employment	\$ _____	\$ _____
Income from real property (such as rental income)	\$ _____	\$ _____
Interest & dividends	\$ _____	\$ _____
Gifts or Inheritance	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ _____	\$ _____

Income Source	Amount received during the past 12 months	Amount expected to receive in the future
Disability (such as social security, insurance payments)	\$ _____	\$ _____
Other (specify) _____	\$ _____	\$ _____
<b>Total Monthly Income</b>	\$ _____	\$ _____

4. How much cash do you have? \$ \_\_\_\_\_  
 State any money you have in any prison account, or in any checking or savings accounts, or in any other financial institution.

Where is the money? (include name of bank, savings & loan, prison account)	Type of Account	Amount You Have
a.		\$ _____
b.		\$ _____
c.		\$ _____

**NOTE: You *must* attach a statement certified by the appropriate prison or jail officer (see the last page of this document) showing all receipts, expenditures, and balances during the last six months in your prison or jail account(s).**

5. List the assets, and their values, which you own. Do not list clothing and ordinary household furnishings.

Asset	Description	Value
a. Stocks, bonds, securities or other financial instruments)		\$ _____
b. Other valuable property (for example, automobiles)		\$ _____

6. State every person, business, or organization owing you money, and the amount owed.

Who owes you money?	Amount owed to you
a.	\$ _____
b.	\$ _____
c.	\$ _____
d.	\$ _____

7. Do you expect any major changes to your income, or in your assets or liabilities during the next 12 months?  
 Yes  No  
If yes, describe on an attached sheet.

8. Provide any other information that will help explain why you cannot, or cannot without undue hardship, pre-pay the fees or costs for this case.

\* \* \* \* \*

**CERTIFICATE**  
(Incarcerated applicants only)  
(To be completed by the institution of incarceration)

I certify that the applicant named in the attached Application to Proceed Without Prepayment of Fees and Affidavit has the sum of \$ \_\_\_\_\_ on account to his/her credit at (name of institution) \_\_\_\_\_ . I further certify that the applicant has the following securities to his/her credit: \_\_\_\_\_ . I further certify that during the past six months the applicant's average balance was \$ \_\_\_\_\_ , and the following statement of all receipts, expenditures, and balances during the last six months is true and correct.

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

Signature of Authorized Officer: \_\_\_\_\_

Printed Name: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN AND WESTERN DISTRICT OF KENTUCKY

AMENDED

NOTICE OF ELECTRONIC AVAILABILITY OF CIVIL CASE FILE INFORMATION

(AMENDED TO COMPLY WITH THE AUGUST 2, 2004 AMENDMENTS  
TO THE E-GOVERNMENT ACT OF 2002)

The United States District Courts for the Eastern and Western Districts of Kentucky are making the content of documents filed in electronic form or converted from a paper filing to electronic form available on the court's Internet web site via WebPACER. Any subscriber to WebPACER will be able to read, download, store and print the full content of electronically filed or electronically converted documents. The clerk's office will not make available over the Internet electronic documents that have been sealed or otherwise restricted by court order.<sup>1</sup>

You should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. Any personal information not otherwise protected will be made available over the Internet via WebPACER. If sensitive information must be included, the following personal identifiers must be partially redacted from the document, whether it is filed on paper or electronically:

- A. **SOCIAL SECURITY NUMBERS.** If an individual's social security number must be included in a document, only the last four digits of that number should be used.
- B. **NAMES OF MINOR CHILDREN.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- C. **DATES OF BIRTH.** If an individual's date of birth must be included in a document, only the year should be used.
- D. **FINANCIAL ACCOUNT NUMBERS.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

In compliance with the E-Government Act of 2002, and as amended August 2, 2004, a party filing a document containing any of the personal data identifiers specified above may:

- (a) file an unredacted copy under seal. This document shall be retained by the court as part of the record. A redacted copy for the public record must be filed along with the unredacted document under seal. OR

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<sup>1</sup>Reference Electronic Case Filing Administrative Policies and Procedures for the Eastern and Western Districts of Kentucky

- (b) file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. It shall be retained by the court as part of the record.

The Court recognizes that parties may need to include in the record a document containing information such as any personal identifying number such as a driver's license number; medical records, treatment and diagnosis; employment history; individual financial information; and proprietary or trade secret information. Technical and administrative procedures to effectuate the filing of these documents along with other important information can be found in the Court's Electronic Case Filing Administrative Policies and Procedures (Reference Number 15.2) and the User Manual. The Court's Electronic Case Filing Administrative Policies and Procedures and the Court's User Manuals are available through the Courts' web sites at [www.kywd.uscourts.gov](http://www.kywd.uscourts.gov) and [www.kyed.uscourts.gov](http://www.kyed.uscourts.gov), or can be obtained from any Division of the Court.

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. **It is the sole responsibility of counsel and the parties to be sure that all pleadings and other papers comply with the rules of this court requiring redaction of personal data identifiers. The clerk will not review each document for redaction.**