

**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 FEES/APPLICATION TO PROCEED WITHOUT PREPAYMENT (FORM “C”)

(1) When you file your complaint, you must submit a **filing fee of \$350.00**, plus an **administrative fee of \$50.00**.

(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 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). You will not be required to pay the \$50.00 administrative fee.

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 \$400.00 made payable to the **Clerk, United States District Court**; **OR** (b) an application to proceed without prepayment of 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 (blackout) sensitive information identified in documents that you file.

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. 10/10

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 also 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)