

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

CIVIL RIGHTS COMPLAINT FORM FOR
PRO SE PRISONER LITIGANTS IN ACTIONS UNDER
28 U.S.C. § 1331 or § 1346 or 42 U.S.C. § 1983

_____ ,

Inmate ID Number: _____ ,

(Write your full name and inmate ID number.)

v.

Case No.: _____
(To be filled in by the Clerk's Office)

_____ ,

_____ ,

_____ ,

(Write the full name of each Defendant who is being sued. If the names of all the Defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

_____ /

Jury Trial Requested?

YES NO

I. PARTIES TO THIS COMPLAINT

A. Plaintiff

Plaintiff's Name: _____ ID Number: _____

List all other names by which you have been known: _____

Current Institution: _____

Address: _____

B. Defendant(s)

State the name of the Defendant, whether an individual, government agency, organization, or corporation. For individual Defendants, identify the person's official position or job title, and mailing address. Indicate the capacity in which the Defendant is being sued. Do this for *each and every* Defendant:

1. Defendant's Name: _____

Official Position: _____

Employed at: _____

Mailing Address: _____

Sued in Individual Capacity

Sued in Official Capacity

2. Defendant's Name: _____

Official Position: _____

Employed at: _____

Mailing Address: _____

Sued in Individual Capacity Sued in Official Capacity

3. Defendant's Name: _____

Official Position: _____

Employed at: _____

Mailing Address: _____

Sued in Individual Capacity Sued in Official Capacity

(Provide this information for all additional Defendants in this case by attaching additional pages, as needed.)

II. BASIS FOR JURISDICTION UNDER 28 U.S.C. § 1331 or § 1346

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution” and federal law. Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

Are you bringing suit against (*check all that apply*):

- Federal Officials (*Bivens case*) State/Local Officials (§ 1983 case)

III. PRISONER STATUS

Indicate your confined status:

- Pretrial Detainee Civilly Committed Detainee
 Convicted State Prisoner Convicted Federal Prisoner
 Immigration Detainee Other (*explain below*):
-
-

IV. STATEMENT OF FACTS

Provide a short and plain statement of the *facts* showing why you are entitled to relief. Describe how *each* Defendant was involved and what each Defendant did, or did not do, in support of your claim. Identify when and where the events took place, and state how each Defendant caused you harm or violated federal law. Write each statement in short, numbered paragraphs, limited as far as practicable to a single event or incident. ***Do not make legal arguments, quote cases, cite statutes, or reference a memorandum.*** You may make copies of page 6 if necessary to supply all the facts. Barring extraordinary circumstances, no more than five (5) additional pages should be attached. Exhibits attached to

the complaint will count as part of your page limitation. Therefore, do not attach irrelevant or unnecessary exhibits. Facts not related to this same incident or issue must be addressed in a separate civil rights complaint.

V. STATEMENT OF CLAIMS

State what rights under the Constitution, laws, or treaties of the United States have been violated. Be specific. If more than one claim is asserted, number each separate claim and relate it to the facts alleged in Section IV. If more than one Defendant is named, indicate which claim is presented against which Defendant.

VI. RELIEF REQUESTED

State briefly what relief you seek from the Court. Do not make legal arguments or cite to cases/ statutes. If requesting money damages (*either actual or punitive damages*), include the amount sought and explain the basis for the claims.

VII. EXHAUSTION OF ADMINISTRATIVE REMEDIES

The Prison Litigation Reform Act (“PLRA”) requires prisoners to exhaust all available administrative remedies (*grievance procedures*) before bringing a case. 42 U.S.C. § 1997e(a). **ATTENTION: *If you did not exhaust available remedies prior to filing this case, this case may be dismissed.*** If the case is dismissed for failure to exhaust or for any reason, you will still be required to pay the full filing fee and the dismissal may count as a “strike” under 28 U.S.C. § 1915(g). Therefore, please consider whether you have fully exhausted your remedies before proceeding with this action.

VIII. PRIOR LITIGATION

This section requires you to identify your prior litigation history. Be advised that failure to disclose all prior state and federal cases—including, but not limited to civil cases, habeas cases, and appeals—may result in the dismissal of this case. You should err on the side of caution if you are uncertain whether a case should be identified.

ATTENTION: *The “three strikes rule” of the PLRA bars a prisoner from bringing a case without full payment of the filing fee at the time of case initiation if the prisoner has “on three or more prior 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 had any case in federal court, including federal appellate court, dismissed as frivolous, as malicious, for failure to state a claim, or prior to service?

YES NO

If “Yes,” identify the case number, date of dismissal, and court for each case:

1. Date: _____ Case #: _____

Court: _____

Reason: _____

2. Date: _____ Case #: _____

Court: _____

Reason: _____

3. Date: _____ Case #: _____

Court: _____

Reason: _____

(If necessary, list additional cases on an attached page)

B. Have you filed other lawsuits or appeals in ***state or federal court*** dealing with the same facts or issue involved in this case?

YES NO

If “Yes,” identify the case number, parties, date filed, result (*if not still pending*), name of judge, and court for each case (*if more than one*):

1. Case #: _____ Parties: _____

Court: _____ Judge: _____

Date Filed: _____ Dismissal Date (*if not pending*): _____

Reason: _____

2. Case #: _____ Parties: _____

Court: _____ Judge: _____

Date Filed: _____ Dismissal Date (*if not pending*): _____

Reason: _____

(If necessary, list additional cases on an attached page)

C. Have you filed any other lawsuit, habeas corpus petition, or appeal in ***state or federal court*** either challenging your conviction or relating to the conditions of your confinement?.

YES NO

If “Yes,” identify all lawsuits, petitions and appeals:

1. Case #: _____ Parties: _____
Court: _____ Judge: _____
Date Filed: _____ Dismissal Date (*if not pending*): _____
Reason: _____
2. Case #: _____ Parties: _____
Court: _____ Judge: _____
Date Filed: _____ Dismissal Date (*if not pending*): _____
Reason: _____
3. Case #: _____ Parties: _____
Court: _____ Judge: _____
Date Filed: _____ Dismissal Date (*if not pending*): _____
Reason: _____
4. Case #: _____ Parties: _____
Court: _____ Judge: _____
Date Filed: _____ Dismissal Date (*if not pending*): _____
Reason: _____
5. Case #: _____ Parties: _____
Court: _____ Judge: _____
Date Filed: _____ Dismissal Date (*if not pending*): _____
Reason: _____

6. Case #: _____ Parties: _____
Court: _____ Judge: _____
Date Filed: _____ Dismissal Date (if not pending): _____
Reason: _____

(Attach additional pages as necessary to list all cases.)

IX. CERTIFICATION

1. I declare, under penalty of perjury, that all of the information stated above and included on or with this form, including my litigation history, is true and correct.

2. Additionally, as required by Federal Rule of Civil Procedure 11, I certify that to the best of my knowledge, information, and belief, this complaint:
(1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non- frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

3. I understand it is my obligation to timely notify the Clerk's Office if there is any change to my mailing address and that my failure to do so may result in a dismissal of the action.

Date: _____ Plaintiff's Signature: _____

Printed Name of Plaintiff: _____

Correctional Institution: _____

Address: _____

**I certify and declare, under penalty of perjury, that this complaint was
(*check one*) delivered to prison officials for mailing or deposited in
the prison's mail system for mailing on the _____ day of _____, 20__.**

Signature of Incarcerated Plaintiff: _____