

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA**

INFORMATION AND INSTRUCTIONS
FOR FILING A CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983

- 1) The enclosed form is to assist you in preparing a complaint seeking relief under 42 U.S.C. § 1983. The Court can grant relief under § 1983 only for wrongs which amount to the denial of federal constitutional rights by a person acting under color of state law. Your complaint can be brought in this Court only if one or more of the named defendants is located within this judicial district.
- 2) For your complaint to be considered by the district Court, it must be **typewritten or legibly handwritten on only one side of the paper**. All questions must be answered clearly and concisely in the appropriate spaces on the form. Extra pages are not permitted except to add additional defendants, to add claims under the Statement of Claims (Part V) or to complete the Prisoner's Litigation History (Part VII). Citation of legal authority or argument is not necessary.
- 3) Your complaint must be signed and must include a declaration under penalty of perjury. You are cautioned that any deliberately false statement of a material fact may serve as the basis for prosecution and conviction for perjury. You, therefore, should exercise care to assure that all answers are true, correct, and complete.
- 4) An original of the complaint must be provided for the Court and one copy for each of the named defendants. For example, if you name two defendants, you must file an original and two copies of the complaint. You should keep an additional copy of the complaint for your own records. All copies of the complaint must be identical to the original.
- 5) The complaint must be accompanied by a filing fee of \$350.00 plus a \$50.00 administrative fee. If you cannot afford to pay the fee, you may complete a motion for leave to proceed *in forma pauperis* and supporting affidavit, which you may obtain from the Office of the Clerk of Court. Your *in forma pauperis* status will be governed by 28 U.S.C. §1915, as amended by the Prison Litigation Reform Act of 1996.
- 6) Pursuant to 42 U.S.C. §1997e, prisoners must exhaust available administrative remedies before initiating a prison conditions case under 42 U.S.C. §1983, or any other federal law. You, therefore, must initiate and complete all levels of administrative review of your complaint through your institution prior to bringing a prison conditions action under 42 U.S.C. §1983.
- 7) Notwithstanding the payment of any filing fee, or any portion thereof, the Court will dismiss your action if it is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.

- 8) When your complaint is completed, it should be mailed with the necessary copies and filing fee or motion for leave to proceed *in forma pauperis* to the following address:

**CLERK OF THE COURT
UNITED STATES DISTRICT COURT
P.O. Box 607
Muskogee, OK 74402**

- 9) You are responsible for completing a summons for each defendant you have sued and for delivering it with a copy of the complaint for service. If you are proceeding *in forma pauperis*, you also are responsible for completing and signing a USM-285 Form for each named defendant.
- 10) The Court does not require copies of any motions, pleadings, correspondence or other documents submitted to the Court for filing and consideration. You must, however, furnish each opposing party (defendant) or his attorney with a copy of all such documents submitted to the Court. Each original document (except the original complaint), must include a certificate of service stating the date a copy of the document was mailed to the opposing party or his attorney and the address to which it was mailed. Any pleading or other document received which fails to include a certificate of service may be disregarded by the Court or returned. If you want a file-stamped copy of a motion or other pleading returned to you, you must provide a copy, along with a self-addressed envelope with sufficient postage affixed for return of the copy to you.

A certificate of service may be in the following format:

I hereby certify that a copy of the foregoing pleading/document

was mailed to _____
(opposing party or counsel)

at _____
(address)

on _____, 20__.

(signature)

- 13) The United States Magistrates, the Clerk of Court, and Deputy Clerks are officers of the Court and are prohibited from giving legal advice. Questions of this nature should be directed to an attorney.

SERVICE OF SUMMONS AND COMPLAINT

After your complaint and, if applicable, your motion for leave to proceed *in forma pauperis* have been accepted for filing, the Court will determine whether you must pay the full filing fee, or you will be permitted to pay the fee in installments. When you have paid the required full or partial fee, the Court Clerk will send you summonses and USM-285 Forms for your completion. **You are responsible for providing full names and addresses for the defendants on all summonses and USM-285 forms.**

Instructions For Summons

You must complete one summons for each defendant named in the complaint and return it to the Court Clerk's Office. Each summons must include:

- (1) Your full name.
- (2) Full name of the defendant named in your civil rights complaint.
- (3) Name and address of the defendant you have named in the complaint.
- (4) Your full name and address for notice of service.

Instructions for USM-285 Form.

If you want the United States Marshals Service to serve the complaint, and you qualify for such service, *see* Rule 4(c)(3) of the Federal Rules of Civil Procedure, you must complete one USM-285 Form for each defendant named in the complaint and return the form to the Court Clerk's Office. Each USM-285 Form must include:

- (1) Your full name.
- (2) Full name of the defendant named in your civil rights complaint.
- (3) Name and address of the defendant you have named in the complaint.
- (4) Your full name and address for notice of service.
- (5) Your signature, the appropriate box checked, and the date. Unsigned USM-285 Forms will not be forwarded to the U.S. Marshals Service.