

INSTRUCTIONS FOR FILING
CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983
IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

- (1) This complaint must be legibly handwritten or typewritten, and signed by the plaintiff. All questions must be answered concisely in the proper space 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 of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt of a **fee of \$350** your complaint will be filed if it is in proper order. The \$350 fee must be submitted with the complaint, not separately.
- (4) If you do not have the necessary funds to pay the \$350 filing fee or cannot afford to pay for transcripts, counsel, appeal, or other costs connected with this civil action, you may request permission to proceed in forma pauperis, in which event you must execute a separate form provided by the Court, entitled “Motion and Declaration Under Penalty of Perjury in Support of Motion to Proceed In Forma Pauperis” setting forth information establishing your inability to pay fees or costs.

IF YOU ARE A PRISONER, you **MUST** attach a certified copy of your prison trust account statements for the 6-month period immediately preceding the filing of the complaint per 28 U.S.C. § 1915(a)(2) or your motion to proceed in forma pauperis will be denied. Even if your motion to proceed in forma pauperis is granted, however, the Court will assess an initial partial filing fee at the time your action is filed. After the initial partial fee is assessed, **YOU WILL STILL OWE THE BALANCE OF THE FILING FEE WHICH THE COURT WILL ORDER GARNISHED FROM YOUR PRISON TRUST ACCOUNT.**

- (5) When the complaint is fully completed, the original and at least two copies must be mailed to: Clerk of U.S. District Court, Room 4290, 880 Front Street, San Diego, CA 92101-8900.

(Name)

(Address)

(City, State, Zip)

(CDC Inmate No.)

United States District Court Southern District of California

_____,)
 (Enter full name of plaintiff in this action.))
)
 Plaintiff,)
)
 v.)
)
 _____,)
 _____,)
 _____,)
 _____,)
 (Enter full name of each defendant in this action.))
 Defendant(s).)
 _____)

Civil Case No. _____
(To be supplied by Court Clerk)

**Complaint Under the
Civil Rights Act
42 U.S.C. § 1983**

A. Jurisdiction

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 authority, list them below.

_____.

B. Parties

1. **Plaintiff:** This complaint alleges that the civil rights of Plaintiff, _____
 (print Plaintiff's name)
 _____, who presently resides at _____
 (mailing address or place of confinement)
 _____, were violated by the actions
 of the below named individuals. The actions were directed against Plaintiff at _____
 _____ on (dates) _____, _____, and _____.
 (institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

2. **Defendants:** (Attach same information on additional pages if you are naming more than 4 defendants.)

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

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

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

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

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

(b) Name of the court and docket number: _____

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] _____

(d) Issues raised:

(e) Approximate date case was filed: _____.

(f) Approximate date of disposition: _____.

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? Yes No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): _____

_____.

2. Damages in the sum of \$ _____.

3. Punitive damages in the sum of \$ _____.

4. Other: _____

_____.

F. Demand for Jury Trial

Plaintiff demands a trial by Jury Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

I declare under the penalty of perjury that the foregoing is true and correct.

Date

Signature of Plaintiff