

United States District Court

Southern District Of California

Office of the Clerk

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FOR PRISONERS FILING A COMPLAINT OR PETITION ON THEIR OWN BEHALF

The attached instructions and forms have been compiled to assist any prisoner wishing to file a civil complaint or habeas petition in this Court.

Clerk's Office staff cannot and will not act as lawyers or provide legal advice. Therefore, you should consult the Court's Local Rules, the Federal Rules of Civil Procedure, the Rules Governing Section 2254 Cases in the United States District Courts, and/or the Rules Governing Section 2255 Proceedings for the United States District Court for more specific guidance.

PRO SE: Generally, there is no right to counsel in a civil case; therefore most prisoners seeking to file the types of form complaints or petitions included in this package proceed pro se, which means you are representing yourself, without the help of an attorney. While your pro se pleadings are liberally construed by the Court, you must still follow the same rules of procedure attorneys follow.

You should follow the specific instructions attached to each of the forms provided, but in general, all complaints or petitions can be typed, printed by hand, or written on 8½" x 11" paper. All filings must be legible so the Court can understand them. You must also notify the Court in writing any time your address changes as a result of a prison transfer or in the event of release.

IN FORMA PAUPERIS: If you cannot afford the \$400 filing fee required to be submitted at the time you file your civil complaint, or the \$5 filing fee required to file your habeas petition, you should complete the form Motion and Declaration in Support of Motion to Proceed In Forma Pauperis ("IFP") included in this packet. No filing fee or IFP Motion is required to file a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255.

Included in this Prisoner Pro Se Package:

1. Complaint under the Civil Rights Act pursuant to 42 U.S.C. § 1983
2. Civil Rights Complaint per 28 U.S.C. § 1331 and *Bivens*
3. Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254
4. Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241
5. Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255
6. Motion and Declaration in Support of Motion to Proceed In Forma Pauperis