

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

- These instructions are meant only to help you understand the forms and to explain some of the Court's procedures.
- The Court cannot give you legal advice or provide you with copies of cases or other legal materials.
- This packet contains two copies of a complaint form and two copies of a motion to proceed in forma pauperis. You only have to file one copy for you to keep of each with the Clerk. The extra copies are provided so that you may use them to make a copy of what you are filing.
- The Court does not have to provide copies of complaints or other documents to you. Anything you file with the Court becomes a part of the official Court record.
- When you are ready to file your complaint, you may either pay the \$400 filing fee or you may include a motion to proceed in forma pauperis with your complaint. A complaint filed without either the filing fee or a motion to proceed in forma pauperis does not have to be accepted for filing.

Filling out the Complaint Form

- You may either type your complaint OR hand write it so long as it can be easily read. Documents filed with the Court that cannot be read do not have to be accepted for filing.
- If you need more space to provide any of the information requested, attach additional sheets of paper and indicate that you have done so on the complaint form.
- You may name more than one defendant in your complaint.
 - You must provide the names of individual defendants and their addresses.
 - The information you provide must be enough to identify the defendant and where they can be found.
 - If you are incarcerated and you are suing correctional officials, you may simply provide the name of the institution where they work.
 - Simply noting “et al.” on your complaint form is not enough information to identify the people you are suing.
- Answer the questions on the complaint form carefully and provide as much information as you can.
- When writing your Statement of Claim (Section III on page 4 of the complaint) you should:
 - Only include facts and allegations concerning one set of circumstances that involve the defendants named. Unrelated claims must be filed in a different complaint.
 - Only state the facts of your claim. For example:

What happened?	When did the events take place?
Who was involved?	How were you hurt?
How were they involved?	What are your injuries?
 - Do not make legal arguments or cite case law.
- In the last section (Section IV) you should state what you want the Court to do in the event judgment is entered in your favor.
- You must sign the complaint. You may not sign for anyone else.
- Mail your completed complaint to:

The Clerk of the Court
101 W. Lombard Street
Baltimore, Maryland 21201

Asking for the Filing Fee to be Waived

- The filing fee for a civil lawsuit in the United States District Court for the District of Maryland is \$400.
 - The filing fee must be paid when you file the complaint.
 - There are also fees for having your complaint served on each defendant by the United States Marshal.
 - To avoid these costs you must file a **Motion To Proceed In Forma Pauperis**.
- If the Court grants your Motion to Proceed In Forma Pauperis you do not have to pay the filing fee at the time your complaint is filed.
 - IF YOU ARE INCARCERATED: the Court will obtain a verified inmate account statement from the finance officer at the institution you are confined. Upon receipt of that statement, partial payment of the filing fee may be assessed. This is required by law.
 - How much money you may have to pay will depend on how much is in your account.
 - An initial partial fee is assessed as follows:
 - The six month average account balance is compared to the six month average deposits
 - 20% of the amount that is the highest will be the initial partial fee
 - After the initial fee is paid, payments will continue to be deducted from the account as follows:
 - 20% of the *prior month's income* will be paid
 - Payments are not deducted if the balance of the account is less than \$10.00.
 - Deductions will be made this way until the full filing fee is paid or you are released from prison.
 - By filing a Motion to Proceed In Forma Pauperis you are consenting to partial payments.
 - IF YOU ARE NOT INCARCERATED: and the Court grants your Motion to Proceed in Forma Pauperis you will not have to pay the filing fee or costs to serve the Complaint. This DOES NOT necessarily mean you will not be liable for costs to the opposing party if judgment is entered in their favor.
- PLEASE NOTE: The affidavit you file in support of your Motion to Proceed in Forma Pauperis is a statement made UNDER OATH and must be accurate. You may be required to pay the full filing fee or your case may be dismissed if you do not include all requested information or the information provided is not correct.

Representing Yourself

- Your complaint will be reviewed by the Court to make certain it is filled out properly. If additional information is needed, you will be notified.
- A judge will be assigned and a case number will be provided for your case.
 - PUT YOUR CASE NUMBER ON ALL DOCUMENTS you send to the Clerk concerning your case.
- Everything you file in your case should be addressed to:

The Clerk of the Court
United States District Court
101 West Lombard Street
Baltimore, Maryland 21201

The Clerk of the Court
United States District Court
6500 Cherrywood Lane
Greenbelt, Maryland 20770

- You MUST notify the Court in writing of any change in your address while your case is pending. Failing to do so may result in dismissal of your complaint.
 - DO NOT try to communicate directly with the judge assigned to your case.
 - If you want to request that something be done in your case you must file a motion or other document with the Clerk.
 - After the defendants have been served, most will have an attorney representing them and their attorney will receive electronic notification of all documents that you file in the case; therefore, you no longer need to send copies of those documents to the attorney.
 - For any defendants that DO NOT HAVE AN ATTORNEY, you will need to mail a copy of whatever you file in the case directly to them and indicate that you have done so by preparing a certificate of service on the final page.
 - A certificate of service is a paragraph that states:
 - I hereby certify that on this ____ day of _____, 20__, a copy of the foregoing [NAME OF DOCUMENT] was mailed, postage pre-paid, to: [NAME AND ADDRESS OF ATTORNEY REPRESENTING DEFENDANTS].
- [YOUR SIGNATURE]
- Exhibits or documents already filed a defendant do not need to be filed again; rather, you simply refer to the exhibit or document that is already filed.
 - You must sign all of the documents you file.

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 20____, a copy of this _____, was mailed, postage prepaid, to _____
(name and address of the attorney or person to whom you sent it).

(your signature) _____

It is not necessary to state in the certificate of service that copies were sent to the Court or to the Clerk.

Do not file any motions or memoranda that are longer than fifty pages unless you have received permission from the Court. Most motions and memoranda should be much shorter than fifty pages.

You do not have to file copies of exhibits that are already on file in the same case. For example, if the defendants in your case file a motion for summary judgment and attach as an exhibit to their motion a copy of a sick call slip, you do not have to attach a copy of that document to your opposition or to any motions you file. You may simply refer to the copy that is already in the file.

You must sign every pleading, motion, and memorandum that you file. You MAY NOT sign someone else's name, nor may you file anything on behalf of someone else. In order for a pleading, motion, or memorandum to be considered on behalf of more than one plaintiff, each plaintiff must sign it.

FORM TO BE USED BY A PRISONER FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

(Full name, prison identification
number and address of the plaintiff)

v.

Civil Action No. _____
(Leave blank on initial filing to be filled in by Court.)

(Full name and address of the defendant(s))

COMPLAINT

I. Previous lawsuits

- A.** Have you filed other cases in state or federal court dealing with the same facts as in this case or against the same defendants?

YES ☐ NO ☐

- B.** If you answered YES, describe that case(s) in the spaces below.

- 1.** Parties to the other case(s):

Plaintiff: _____

Defendant(s): _____

2. Court (if a federal court name the district; if a state court name the city or county): _____
3. Case No.: _____
4. Date filed: _____
5. Name of judge that handled the case: _____
6. Disposition (won, dismissed, still pending, on appeal): _____

7. Date of disposition: _____

II. Administrative proceedings

- A.** If you are a prisoner, did you file a grievance as required by the prison's administrative remedy procedures?

YES ☐ NO ☐

- 1.** If you answered YES:

a. What was the result? _____

b. Did you appeal?

YES ☐ NO ☐

- 2.** If you answered NO to either of the questions above, explain why: .

III. Statement of claim

(Briefly state the facts of your case. Include dates, times, and places. Describe what each defendant did or how he/she is involved. If you are making a number of related claims, number and explain each claim in a separate paragraph.)

IV. Relief

(State briefly what you want the Court to do for you.)

SIGNED THIS _____ day of, _____, _____.

(original signature of plaintiff)

(address of plaintiff)

FORM TO BE USED BY A PRISONER SEEKING LEAVE TO PROCEED
IN FORMA PAUPERIS IN A CIVIL RIGHTS ACTION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

(name of plaintiff)

v.

Civil Action No. _____
(Leave blank. To be filled in by Court.)

(name of defendant)

MOTION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS

I, _____, declare that I am the plaintiff in this case.

Because of my poverty, I am unable to pay the filing fee and costs of this action at this time, nor am I able to give security therefor.

I understand that the fee for filing this type of case is \$400.00. I understand that if my motion is granted, it does not mean I will not have to pay this fee. I understand that if my motion is granted, periodic deductions may be made from my inmate account until the entire fee is paid. By filing this motion, I am agreeing to allow such deductions as are required by law. I understand that if I do not have money in my prison account, but have other resources, the Court may require that I pay the filing fee or a partial filing fee.

I believe that I have a meritorious complaint and am entitled to relief in these proceedings.

In support of this motion, I answer the following questions:

1. Are you presently employed in a prison job or other assignment that results in compensation of any sort, including work release?

YES ☐ NO ☐

- a. If you answered YES, list your employer or assignment and the amount of your wages.

Employer/assignment: _____

Monthly gross wages: _____

Monthly net wages: _____

- b. If you answered NO, state the date of your last employment or assignment, the name of your employer or assignment, and the amount of wages you received.

Date: _____

Employer/assignment: _____

Monthly gross wages: _____

Monthly net wages: _____

2. Within the past twelve months have you received any income from: 1) settlements, judgments, or monetary awards from a court; 2) Social Security, public assistance, workers' compensation or disability payments; 3) a business, profession or other form of self-employment; 4) rent, interest or dividends; 5) retirement, annuity, pension, or insurance payment; 6) gifts or inheritances; 7) or any other sources?

YES ☐ NO ☐

If you answered YES, list the amount received, date it was received, and the source.

<u>Amount</u>	<u>Date received</u>	<u>Source</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. How much money do you have in your prison account? _____

4. How much money do you have in checking, savings or other accounts outside of prison? _____

5. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles, or other valuable property (not including ordinary household furnishings and clothes)?

YES ☐ NO ☐

If you answered YES, list the value and describe each item.

<u>Value</u>	<u>Description</u>
_____	_____
_____	_____
_____	_____
_____	_____

6. List everyone (including businesses and the government) that you owe money and the amount that you owe.

<u>Creditor</u>	<u>Total debt</u>	<u>Monthly payment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. List any other major monthly expenses that you are actually paying.

Description

Monthly payment

_____	_____
_____	_____

8. Attach a certified statement of your prison account for the past six months. If you are unable to do this, one will be requested from prison officials.

I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE INFORMATION ABOVE IS TRUE AND CORRECT.

(date)

(original signature of plaintiff)

(address of plaintiff)