

INSTRUCTIONS FOR FILING COMPLAINT BY PRISONERS
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
in the United States District Court for the Southern District of Georgia

This packet contains a complaint form and a form to be used by prisoners who seek to proceed without prepayment of the filing fee. The Clerk will not file your complaint unless it conforms to these instructions and to these forms.

- 1: To start an action in this Court, you must complete and file the attached "***Form to be used by prisoners in a complaint under the civil rights act, 42 U.S.C. § 1983.***" The completed form becomes your complaint. The complaint must be legibly handwritten or typed. Each plaintiff must sign and swear to the complaint.
- 2: You must file the original of the complaint and you should keep a copy for your records.
- 3: Your complaint can be brought in this Court only if one or more of the defendants is located within this district or a substantial part of the events or omissions giving rise to the claim occurred in this district.
- 4: You must file a separate complaint for each claim unless they are related to the same incident or issue.
- 5: You must state the facts which support your claim. The complaint should not contain legal arguments or citations.
- 6: Under the Prison Litigation Reform Act (enacted April 26, 1996) Prisoners seeking to bring a civil action shall be required to pay a filing fee of \$400.00. Prisoners unable to prepay the filing fee may apply to pay the fee in installments by filing an "Application to proceed without prepayment of fees." A copy of this application form is included in this packet. **You must either submit the \$400.00 filing fee or the application to proceed without repayment of fees at the time you file your complaint.**
- 7: If you seek to pay your fee in installments, the court will supply you with appropriate forms for (1) furnishing a certified copy of your prison trust fund account statement for the six-month period immediately preceding the filing of your complaint and (2) consenting to the collection of monies from your trust fund account in accordance with the provisions of the Prison Litigation Reform Act. Upon receipt of these forms, the Court will assess an initial partial filing fee. After payment of the initial partial filing fee, the agency having custody over you will be ordered to set aside 20 percent of all deposits to your trust fund account.

- 8: *The filing fee is not refundable, regardless of the outcome, and deductions from your prison account will continue until the total fee is collected, even if your case is dismissed at the outset.*
- 9: If a judgment is later entered against you for costs, you will be required to pay those costs in the same manner as provided for payment of the filing fee.
- 10: A prisoner who has had three or more civil actions or appeals dismissed as frivolous, malicious, or for failure to state a claim is not eligible to proceed without prepayment of the full filing fee unless the prisoner is in imminent danger of serious physical injury.
- 11: The original complaint, the filing fee or the application to proceed without prepayment fees, and any other correspondence pertaining to this action should be sent to one of the following addresses:

AUGUSTA DIVISION (comprised of Burke, Columbia, Glascock, Jefferson, Lincoln, McDuffie, Richmond, Taliaferro, Wilkes, and Warren Counties), should be mailed to United States District Court, P O Box 1130, Augusta GA 30903.

BRUNSWICK DIVISION (comprised of Appling, Camden, Glynn, Jeff Davis, Long, McIntosh, and Wayne Counties), should be mailed to United States District Court, P O Box 1636, Brunswick GA 31521.

DUBLIN DIVISION (comprised of Dodge, Johnson, Laurens, Montgomery, Telfair, Treutlen, and Wheeler Counties), should be mailed to United States District Court, P O Box 1130, Augusta GA 30903.

SAVANNAH DIVISION (comprised of Bryan, Chatham, Effingham, and Liberty Counties), should be mailed to United States District Court, P O Box 8286, Savannah GA 31412.

WAYCROSS DIVISION (comprised of Atkinson, Bacon, Brantley, Charlton, Coffee, Pierce, and Ware Counties), should be mailed to United States District Court, P O Box 1636, Brunswick GA 31521.

STATESBORO DIVISION (comprised to Bulloch, Candler, Emanuel, Evans, Jenkins, Tattnall, and Toombs Counties), should be mailed to United States District Court, P O Box 8286, Savannah GA 31412.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA**

(Plaintiff or Petitioner)

v.

**APPLICATION TO PROCEED WITHOUT
PREPAYMENT OF FEES**

(Defendant(s) or Respondent(s))

I, _____, declare that I am the plaintiff or petitioner in the above-entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or give security therefor; and that I believe I am entitled to redress.

I make this application with the understanding that I am liable under 28 U.S.C. § 1915 for the full payment of all fees and costs imposed in this action, that such charges will be collected from my prison trust account in installments, and that any unpaid fees and costs will constitute a debt not dischargeable in bankruptcy.

1. Are you presently employed? Yes _____ No _____
 - a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer.

 - b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?
 - a. Business, profession, or form of self-employment? Yes ____ No ____
 - b. Rent payments, interest, or dividends? Yes ____ No ____
 - c. Pensions, annuities, or life insurance payments? Yes ____ No ____

- d. Gifts or inheritances? Yes ___ No ___
e. Any other sources? Yes ___ No ___

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months. _____

3. Do you own any cash, or do you have any money in a checking, savings, or any other kind of account other than a prison account? Yes ___ No ___
If the answer is yes, describe the account, its location, and the total value of each account.

4. State the present balance of your prison trust account: _____

Provide the total deposits to your prison trust account for the past six months:

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes ___ No ___
If the answer is yes, describe the property and state its approximate value.

6. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

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

Signed this _____ day of _____, 19____.

(Signature of Plaintiff or Petitioner)

Prisoner No. _____

**FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
in the UNITED STATES DISTRICT COURT for the SOUTHERN DISTRICT of GEORGIA**

(Enter above full name of plaintiff or plaintiffs)

v.

(Enter above full name of defendant or defendants)

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action? Yes _____ No _____

If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county):

3. Docket number: _____

4. Name of judge assigned to case: _____

5. Disposition
(for example, was the case dismissed? appealed? is it still pending?):

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

8. Were you allowed to proceed *in forma pauperis* (without prepayment of fees)? Yes _____ No _____

B. While incarcerated or detained in any facility, have you brought any lawsuits in federal court which deal with facts other than those involved in this action?

Yes _____ No _____

If your answer to B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (name the district):

3. Docket number: _____

4. Name of judge assigned to case: _____

5. Disposition
(for example, was the case dismissed? appealed? is it still pending?):

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

8. Were you allowed to proceed *in forma pauperis* (without prepayment of fees)? Yes ____ No ____

C. As to any lawsuit filed in federal court where you were allowed to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes ____ No ____

1. If your answer to C is yes, name the court and docket number for each case:

_____	_____
_____	_____
_____	_____
_____	_____

II. Place of present confinement: _____

A. Is there a prisoner grievance procedure in this institution? Yes ____ No ____

B. Did you present the facts relating to your complaint to the appropriate grievance committee? Yes ____ No ____

C. If your answer to B is yes:

1. What steps did you take? _____

2. What was the result? _____

3. Did you appeal any adverse decision to the highest level possible in the administrative procedure? Yes ___ No ___

If yes, what was the result? _____

D. If you did not utilize the prison grievance procedure, explain why not: _____

III. Parties

(In Item A below, list your name as plaintiff and current address. Provide the name and address of any additional plaintiffs on an attached sheet.)

A. Name of plaintiff: _____
Address: _____

(In Item B below, list the defendant's full name, position, place of employment, and current address. Provide the same information for any additional defendants in Item C below.)

B. Name of defendant: _____
Position: _____
Place of employment: _____
Current address: _____

C. Additional defendants: _____

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

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

Signed this _____ day of _____, 19____.

Prisoner No. _____

(Signature of Plaintiff)