

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

1. This packet includes one 42 U.S.C. § 1983 Complaint form and one Motion to Proceed Without Prepayment of Fees and Affidavit.
2. The forms must be typewritten or neatly printed. The forms must be legible.
3. In order to file your Complaint, **YOU MUST EITHER**

(A) **Pay the required \$402.00 filing fee**, which includes a \$50 Administrative Fee;

OR

(B) If you are unable to pay the full fee when you file your complaint, you may petition the Court to proceed in forma pauperis using the **Motion to Proceed Without Prepayment of Fees and Affidavit** included in this packet. Your affidavit should include a certified copy of your inmate trust account statement for the six (6) month period immediately preceding the filing of your complaint. In the event you are unable to pay the full filing fee at the time the action is filed, the Court will assess an initial partial filing fee. After the initial partial filing fee is paid, the prison at which you are incarcerated will be required to forward to the Clerk's Office monthly payments of 20% of the preceding month's income credited to your inmate account until the \$350.00 filing fee (not the \$50 Administrative Fee) is paid. **EVEN IF YOUR CASE IS DISMISSED, YOU WILL STILL BE REQUIRED TO PAY THE ENTIRE FILING FEE.**

4. **IN FORMA PAUPERIS** status does not entitle you to free copies of pleadings, motions, orders, or docket reports. The cost is \$.50 per page.
5. All questions must be answered clearly and concisely in the proper space provided on the attached Complaint and Motion to Proceed Without Prepayment of Fees and Affidavit. Where more space is needed to answer a particular question, use additional paper. Make sure you cross-reference any additional information to the appropriate paragraph and attach the papers to the Complaint. **DO NOT USE THE REVERSE SIDE OF ANY PAGE.** When using additional pages, leave a one inch margin at the top, bottom, and both sides of the page.
6. You must furnish defendant's correct name, job title, and work address.
7. Generally, the appropriate venue for filing a 42 U.S.C. § 1983 complaint is determined by where the event in which you are complaining about occurred; therefore, you should file the complaint in the division in which the event you are complaining about occurred (i.e. the county where the jail/prison where the events occurred is located). Below is a listing of all counties in each division of the Middle District of Georgia:

The following counties comprise the MACON DIVISION: Baldwin, Bibb, Bleckley, Butts, Crawford, Dooly, Hancock, Houston, Jasper, Jones, Lamar, Macon, Monroe, Peach, Pulaski, Putnam, Twiggs, Upson, Washington, Wilcox, and Wilkinson.

The following counties comprise the ALBANY DIVISION: Baker, Ben Hill, Calhoun, Crisp, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Schley, Seminole, Sumter, Terrell, Turner, Webster, and Worth.

The following counties comprise the ATHENS DIVISION: Clarke, Elbert, Franklin, Greene, Hart, Madison, Morgan, Oconee, Oglethorpe, and Walton.

The following counties comprise the COLUMBUS DIVISION: Chattahoochee, Clay, Harris, Marion, Muscogee, Quitman, Randolph, Stewart, Talbot, and Taylor.

The following counties comprise the VALDOSTA DIVISION: Berrien, Brooks, Clinch, Colquitt, Cook, Echols, Irwin, Lanier, Lowndes, Thomas, and Tift.

All copies of the Complaint must be identical to the original. You should retain one copy of the Complaint and all future pleadings and motions filed with the Court for your personal records.

8. Once you have determined the appropriate division in which your complaint should be filed, write the name of the division in which you will file your complaint in the blank at the top of the first page of the complaint form, and in the blank at the top of the first page of the Motion to Proceed Without Prepayment of Fees and Affidavit. After completing the Complaint and Motion to Proceed Without Prepayment of Fees and Affidavit, **mail the original Complaint and Motion to Proceed Without Prepayment of Fees and Affidavit to the appropriate following division:**

Clerk's Office
United States District Court
PO Box 128
Macon, GA 31202

Clerk's Office
United States District Court
201 West Broad Ave.
Albany, GA 31701

Clerk's Office
United States District Court
PO Box 1106
Athens, GA 30603

Clerk's Office
United States District Court
PO Box 124
Columbus, GA 31902

Clerk's Office
United States District Court
401 N. Patterson Street, Suite 212
Valdosta, GA 31601

9. **Exhibits:** You should only submit **legible** copies of original documents in which you would like included as an exhibit to your complaint or motions. Original documents are for your records.
10. It is your responsibility to **KEEP THE CLERK INFORMED OF CHANGES IN YOUR ADDRESS.** Include a reference to the civil action number of your complaint and your present address in all correspondence with the Clerk of Court.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
_____DIVISION**

**QUESTIONNAIRE FOR THE PRISONERS PROCEEDING
PRO SE UNDER 42 U.S.C. § 1983**

(GIVE FULL NAME AND PRISON NUMBER OF PLAINTIFF)

Plaintiff

VS.

(NAME OF EACH DEFENDANT)

Defendant(s)

CIVIL ACTION NO:

I. GENERAL INFORMATION

1. Your full name and prison number _____

2. Name and location of prison where you are now confined _____

3. Sentence you are now serving (how long?) _____

(a) What were you convicted of? _____

(b) Name and location of court which imposed sentence _____

(c) When was sentence imposed? _____

(d) Did you appeal your sentence and/or conviction? Yes ☐ No ☐

(e) What was the result of your appeal? _____

(f) Approximate date your sentence will be completed _____

II. PREVIOUS LAWSUITS

NOTE: FAILURE TO DISCLOSE **ALL** PRIOR CIVIL CASES MAY RESULT IN THE DISMISSAL OF THIS CASE. IF YOU ARE UNSURE OF ANY PRIOR CASES YOU HAVE FILED, THAT FACT MUST BE DISCLOSED AS WELL.

4. Other than an appeal of your conviction or sentence, and other than any habeas action, have you filed a lawsuit dealing with the same or similar facts or issues that are involved in this action?

Yes ☐ No ☐

5. If your answer to question 4 is “Yes,” list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit INVOLVING SAME FACTS:

Plaintiff(s): _____

Defendant(s): _____

(b) Name of Court: _____

(c) Docket Number: _____ **When did you file this lawsuit?** _____

(d) Name of judge assigned to case: _____

(e) Is this case still pending? Yes ☐ No ☐

(f) If your answer to (e) is “No”, when was it disposed of and what were the results?

(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

6. Other than an appeal of your conviction or sentence, and other than any habeas action, have you ever filed any lawsuit while incarcerated or detained? Yes ☐ No ☐

7. If your answer to question 6 is “Yes,” list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

(b) Name of Court: _____

(c) Docket Number: _____ **When did you file this lawsuit?** _____

(d) Name of judge assigned to case: _____

(e) Is this case still pending? Yes ☐ No ☐

(f) If your answer to (e) is “No”, when was it disposed of and what were the results?
(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

8. AS TO ANY LAWSUIT FILED IN ANY FEDERAL COURT in which you were permitted 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 ☐

If your answer is Yes, state the name of the court and docket number as to each case:

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III. PLACE OF INCIDENT COMPLAINED ABOUT

9. Where did the matters you complain about in this lawsuit take place?

(a) Does this institution have a grievance procedure? Yes ☐ No ☐

(b) If your answer to question 9(a) is “Yes”, answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?

Yes ☐ No ☐

(2) If Yes, what was the result?

(3) If No, explain why not:

(c) What, if anything else, did you do or attempt to do to bring your complaint(s) to the attention of prison officials? Give dates and places and the names of persons talked to.

(d) Did you appeal any denial of your grievance to the highest level possible in the prison system? Yes ☐ No ☐

(1) If Yes, to whom did you appeal and what was the result? _____

(2) If No, explain why you did not appeal: _____

10. In what other institutions have been confined? Give dates of entry and exit.

IV. PARTIES TO THIS LAWSUIT

11. List your CURRENT place of incarceration/mailling address.

12. List the full name, the official position, and the place of employment of each defendant in this lawsuit. (ATTACH ADDITIONAL PAGES IF NECESSARY)

V. STATEMENT OF CLAIM

13. In the space hereafter provided, and on separate sheets of paper if necessary, set forth your claims and contentions against the defendant(s) you have named herein. Tell the court WHAT you contend happened to you, WHEN the incident(s) you complain about occurred, WHERE the incident(s) took place, HOW your constitutional rights were violated, and WHO violated them? Describe how each defendant was involved, including the names of other persons who were also involved. If you have more than one claim, number and set forth each claim SEPARATELY.

DO NOT GIVE ANY LEGAL ARGUMENT OR CIT ANY CASES OR STATUTES AT THIS TIME; if such is needed at a later time, the court will advise you of this and will afford you sufficient time to make such arguments. KEEP IN MIND THAT RULES 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE REQUIRES THAT PLEADINGS BE SIMPLE, CONCISE, and DIRECT! If the court needs additional information from you, you will be notified.

WHERE did the incident you are complaining about occur? That is, at what institution or institutions? _____

WHEN do you allege this incident took place? _____

WHAT happened?

[illegible]

14. List the name and address of every person you believe was a WITNESS to the incident(s) you complain about, BRIEFLY stating what you believe each person knows from having seen or heard what happened. (USE ADDITIONAL SHEETS, IF NECESSARY)

15. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes!

(USE ADDITIONAL SHEETS, IF NECESSARY)

16. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under §1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

17. KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT. That means that you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT! IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE! If you fail to prosecute your case, it will be dismissed under Rule 41 of the Federal Rules of Civil Procedure.

Signed this _____ day of _____, 20_____.

PLAINTIFF

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
_____ DIVISION**

(Plaintiff/Petitioner)

vs.

CIVIL ACTION NO:

MOTION TO PROCEED

WITHOUT PREPAYMENT OF FEES
AND AFFIDAVIT

(Defendant(s)/Respondent(s))

I, _____, being first duly sworn, depose and say that I am the plaintiff in the above-entitled case. As such, I motion to the Court to be allowed to proceed without the requirement to pre-pay fees or costs or give security due to my poverty which results in my inability to pay the costs of said proceeding or to give security. For this reason, I believe I am entitled to redress.

I further declare that the responses which I make to the questions and instructions below are true.

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 you last worked and the amount of salary
or wages per month which you received.

2. Have you received within the past TWELVE (12) months any money from any of the following
sources?

a. Business, profession, or form of self-employment?

Yes ☐ No ☐

b. Pension, annuities, or life insurance payments?

Yes ☐ No ☐

c. Rent payments, interest, or dividends?

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 received and state the amount received from each during the past TWELVE (12) MONTHS.

3. Do you have any cash, or do you have money in a checking, savings, or prison account? (You must attach a certificate from prison authorities if you have money in a prison account).

Yes ☐ No ☐ If yes, how much do you have?
\$ _____

4. Do you own any real estate (house and/or property), stocks, bonds, notes, auto-mobiles, or other valuable property, excluding ordinary household goods and furnishings? Yes ☐ No ☐

a. If the answer is yes, describe the property and state its approximate value.

b. If the answer is yes, list any mortgages, liens, or loans against the property and state the amount you owe.

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

Signed this _____ day of _____, 20_____.

(Signature of Plaintiff)

DECLARATION UNDER PENALTY OF PERJURY

YOU MUST DECLARE UNDER PENALTY OF PERJURY THAT THE ANSWERS YOU HAVE GIVEN IN THE ATTACHED MOTION/AFFIDAVIT FORM ARE TRUE AND CORRECT. GIVING A FALSE ANSWER OR FALSE INFORMATION IN RESPONSE TO ANY QUESTION WILL SUBJECT YOU TO FEDERAL PERJURY CHARGES. 18 U.S.C. § 1621 PROVIDES AS FOLLOWS:

Whoever -

...

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 or title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined not more than \$2,000 or imprisoned not more than five years or both. This section is applicable whether the statement or subscription is made within or without the United States.

Understanding the above, I declare under penalty of perjury that the foregoing answers and information provided by me in support of my request to proceed *in forma pauperis* are true and correct.

Executed this _____ day of _____, 20_____.

(Signature of Plaintiff)

IN RE:

(Plaintiff)

(Prisoner Number)

ACCOUNT CERTIFICATION

I hereby certify that the plaintiff/petitioner named herein above has an average monthly balance for the last six (6) months of \$_____ in account to his/her credit at the _____ institution where he/she is confined. I further certify that the plaintiff/petitioner likewise has the following securities to his/her credit according to the records of this institution: _____

(If not confined for a full six (6) months, specify the number of months confined, then compute the average monthly balance based on that number of months): _____

PRESENT BALANCE ON HAND IN PRISONER ACCOUNT: \$_____

Dated this _____ day of _____, 20_____.

(Authorized Officer of Institution)

(Title)

PLEASE ATTACH A COMPUTER PRINTOUT OF THE ACCOUNT AVAILABLE