

**INSTRUCTIONS FOR FILING COMPLAINTS BY PRISONERS
UNDER THE CIVIL RIGHT ACT, 42 U.S.C. § 1983
in the United States District Court for the Middle District of North Carolina**

1. To start an action in this Court, you must completely fill out the form entitled “FORM TO BE USED BY PRISONERS IN FILING 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. The plaintiff or plaintiffs must sign the complaint.
2. You must file the original of the complaint, one copy for the court, and one copy for each defendant you name. For example, if two defendants are named, you must file the original and three copies of the complaint. All copies must be identical. If you do not have access to photocopying, you must provide carbon copies or produce additional copies by hand. You should produce and retain a copy for yourself.
3. Your complaint can be brought in the court only if one or more of the named defendants committed the act(s) or is located within this district. The counties comprising this district include Chatham, Durham, Lee, Orange, Person, Alamance, Caswell, Guilford, Randolph, Rockingham, Hoke, Montgomery, Moore, Richmond, Scotland, Cabarrus, Davidson, Davie, Rowan, Stanly, Forsyth, Stokes, Surry, and Yadkin counties in North Carolina.
4. You must file a separate complaint for each claim unless they are all related to the same incident or issue.
5. You must state the facts which support your claim. These facts should be presented on the form itself and continued on additional pages only where necessary. The complaint may not contain legal arguments or citations. It may only contain facts.
6. In order for the complaint to be filed, it must be accompanied by a filing fee of \$400.00.
7. If you are unable to pay the filing fee, you may petition the court to proceed *in forma pauperis*. To do so, you must complete the form entitled “DECLARATION AND REQUEST TO PROCEED IN FORMA PAUPERIS.”

The court will review your request, and if insufficient funds exist you may be permitted to conditionally proceed *in forma pauperis*, allowing your action to commence without the prepayment of fees. However, even if you are permitted to conditionally proceed *in forma pauperis* and without *prepayment* of fees, the Prison Litigation Reform Act requires that you pay the full amount of the filing fee. You must comply with any further order of the court, including possible payment of an initial partial fee. An initial partial fee is assessed as follows: 20 percent of the greater of (A) the average monthly deposits into your account, or (B) the average monthly balance in your account for the 6-month period immediately preceding the filing of your complaint. After this initial partial filing fee is paid, you will be required to make monthly payments of 20 percent of the preceding month’s income credited to your account. The court will order the agency having custody over you to set aside such amounts and forward payments from your account to the clerk of court each time the amount in your account exceeds \$10.00 until the filing fee is paid.

8. The complaint, all copies, filing fee or the *in forma pauperis* application, and any other correspondence pertaining to this action should be sent to:

Clerk of Court
United States District Court for the Middle District of North Carolina
324 W. Market Street
Greensboro, NC 27401

9. If your address changes, you must immediately notify this court in writing of the fact or the action could be dismissed without notice to you.

**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 Middle District of North Carolina**

(Enter above full name of plaintiff – only one plaintiff permitted per complaint)

v.

(Enter above full name of defendant or defendants)

I. Previous law suits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in the action or otherwise relating to your imprisonment? Yes () No ()**
- B. If you 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 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 the case:

5. Disposition (for example, was the case dismissed? Appealed? Is it still pending?)

6. Approximate date of filing lawsuit:

II. Previous *in forma pauperis* lawsuits:

A. While incarcerated or detained in any facility, have you filed a lawsuit in any federal court in which you were allowed to proceed *in forma pauperis* (without prepayment of fees)?

Yes () No ()

1. Name the court and docket number for each:

B. Were any of these cases dismissed under 28 U.S.C. § 1915(e)(2) on the grounds that they were frivolous, malicious, or failed to state claim upon which relief may be granted? Yes () No ()

1. If yes, how many?

2. Name the court and docket number for each:

III. Exhaustion of Inmate Administrative Remedies

A. Did you present the facts of each claim relating to your complaint to the Inmate Grievance Commission or any other available administrative remedy procedure? Yes () No ()

B. If your answer is Yes:

1. When did you file your grievance?

2. What was your grievance?

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

If yes, when was the decision and what was the result?

C. If your answer to A. or B.3. is no, identify the claim(s) and explain why not:

IV. Parties

A. Plaintiff(s)

Name of plaintiff:

Current address (place of confinement):

(You may lose important legal rights unless you immediately notify the court of any address change.)

B. Defendant(s) (NOTICE: A person must be identified in this subsection B in order to be considered and served as a defendant.)

Name of defendant 1:

Position:

Place of employment:

Current address:

Additional defendant(s):

Defendant 2:

Defendant 3:
