

**Instructions for Filing a Pro Se Civil Complaint for
Civil Rights Violations or Other Civil Claims Filed
by a Person in Custody
in the United States District Court
for the Southern District of Illinois**

1. The attached civil complaint form may be used in a civil action (except habeas corpus actions) filed in this district by a person in custody. You may use this form even if your claims are not limited to civil rights or federal tort claims. A different form should be used in habeas corpus actions, including actions brought under 28 U.S.C. §§ 2241, 2254, or 2255 (copies are available from the clerk's office).
2. Your complaint must be prepared and submitted as set forth in these instructions. The court may dismiss, strike, or order the return of papers that do not comply.
3. Submit the original complaint and any supporting exhibits for filing (see paragraph 16 below). You are strongly encouraged to keep a copy of all documents you submit for filing. **Any document submitted for filing must be on 8 ½" x 11" paper.** If the judge orders service of process on one or more defendants, the clerk will make copies of your complaint for service on those individuals.
4. Your complaint may be typed or handwritten. If handwritten, it must be readable. All questions must be answered clearly and completely. It is not necessary to have your complaint notarized, but it must include a declaration under penalty of perjury that the information you provide is true and correct. A deliberate false statement of fact may serve as the basis of summary dismissal of your case or other sanctions. **Your complaint must be signed and dated.**
5. Confine your answers to the space provided on the **front** of the page. You may use additional pages (on 8 ½" x 11" paper) if more space is needed. State only when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments or citations. If you wish to present legal arguments or citations, file a separate memorandum of law.
6. You must pay a filing fee of \$400.00 at the time you file your complaint. If you are unable to prepay the entire filing fee and service costs for your lawsuit, you may seek permission to proceed without prepaying fees or costs by filing a motion to proceed *in forma pauperis*. A form motion is available from the clerk's office. Follow the directions on that form and answer all questions clearly and concisely. You must include a statement of your assets, and you must have an authorized institutional officer complete the certification section on the last page of the form. You must also submit a certified copy of your prison or jail account statement for the last six months. **If you submit an incomplete form or do not submit a statement of assets**

and a prisoner or jail account statement with your form, your request to proceed *in forma pauperis* may be denied.

7. If your motion to proceed *in forma pauperis* is granted, the court will assess an initial partial filing fee. This initial partial filing fee will be equal to 20% of the average monthly deposits to your prison or jail account or 20% of the average monthly balance in your prison or jail account for the six months immediately preceding the filing of the lawsuit, whichever is greater. **These funds will be sent directly to the court from your prison trust account after the court enters its order assessing the initial partial filing fee**, pursuant to 28 U.S.C. § 1915(b)(1). If you are without funds **and** have been without funds for the six months preceding the filing of your complaint, the court will not assess an initial filing fee. Instead, the court will order you to pay the filing fee in installments until the filing fee has been paid, pursuant to 28 U.S.C. § 1915(b)(4).
8. Whether or not you pay an initial partial filing fee, pursuant to 28 U.S.C. § 1915(e)(2), you will owe the full balance of any unpaid filing fee, **even if your case is subsequently dismissed voluntarily or because it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief**. Until the amount of the filing fee is paid in full, each month you will owe 20% of your preceding month's income toward the balance. The institution that has custody of you will collect that money and send payments to the court any time the amount in your account exceeds \$10.00, pursuant to 28 U.S.C. § 1915(b)(2). **You should carefully consider this information before you decide to file a civil action in federal court.**
9. If, at any time during your current or previous imprisonment or detention, you have had three or more actions or appeals dismissed as frivolous, malicious, or for failure to state a claim on which relief can be granted, then, while you are a prisoner, you will be prohibited from bringing any additional claims, actions, or appeals *in forma pauperis* unless you are in **imminent** danger of serious physical injury at the time you file your claim, action, or appeal. *See* 28 U.S.C. § 1915(g).
10. You are required to disclose any other lawsuits you filed while you were in prison or jail (during either your current or a previous time in prison or jail), e.g., civil actions brought under 42 U.S.C. § 1983 (state prisoner), 28 U.S.C. § 1331 (federal prisoner), 28 U.S.C. §§ 1346, 2671-2680, or other law. You are required to disclose your litigation history, including "strikes," regardless of the form you use to prepare your complaint. **FAILURE TO DISCLOSE YOUR LITIGATION HISTORY, INCLUDING "STRIKES," MAY RESULT IN SANCTIONS THAT INCLUDE DISMISSAL OF THIS ACTION.**
11. After the complaint is filed, the original of any motion, pleading, or other paper submitted for consideration by the court should be filed with the clerk. You must

also mail a copy of that document to all other parties, or if they have counsel, to that attorney. When you file your paper with the clerk, you must include a **Certificate of Service**, using the format shown below. Any pleading or other document received by the court that fails to include a certificate of service may be disregarded. Note, however, that some prison facilities participate in an electronic filing program. **In general, you are not required to mail copies of documents to parties if your facility participates in an electronic filing program, because parties who participate in electronic filing will receive the document electronically.** And, pursuant to General Order No. 2012-1, the clerk will mail a copy of electronically filed documents to any party who does not receive the document electronically. You may, however, be required to mail copies of a proposed document, such as a proposed amendment to a pleading. Additional information about electronic filing (and General Order No. 2012-1) is available through prison library staff.

<u>CERTIFICATE OF SERVICE</u>		
	I certify that a copy of this _____	was mailed/delivered
	(Name of Document)	
to	_____	on _____
	(Name and Address of Party/Attorney)	(Date)
		_____ Signature
		_____ Printed Name

12. Do not write letters to the court regarding your case. Such contact is improper. If you wish to provide information or ask the court to do something, you must file a motion with the clerk.

13. You are responsible for learning and following the procedures that govern the court process. The district judges, magistrate judges, clerk of court, and their staff are forbidden as a matter of law from providing legal advice. Legal advice should be sought from an attorney or legal clinic.

14. You have a continuing obligation to keep the Court and each opposing party informed of any change in your address. The Court will not independently investigate your whereabouts. You must notify the Court in writing of your new address within 7 days after a transfer or other change in address occurs. Failure to do so may result in dismissal of your case.
15. Self-representation carries certain responsibilities and risks that a *pro se* litigant should know before proceeding. The court encourages all individuals who are thinking about self-representation to carefully review the risks associated with self-representation and to be aware of the potential consequences. Rule 11 of the Federal Rules of Civil Procedure prohibits the filing of lawsuits that are clearly frivolous or filed merely to harass someone. If, after reviewing your complaint, a judge determines that you have filed a lawsuit for an improper or clearly unnecessary purpose, it may impose sanctions against you, including ordering you to pay a fine to the court or to pay the legal fees of the person or persons against whom you filed the lawsuit. The court has a form motion with which you may request appointment of counsel. If you wish to file such a motion, you may request the appropriate form from the clerk's office. Ordinarily, the court will not consider your motion until **after** you have filed your complaint and permission to proceed without prepaying fees or costs has been granted. Bear in mind that there is no right to counsel in a civil case, and motions to appoint counsel are not automatically granted.
16. When your complaint is complete, submit it to prison library staff (if you are at an institution that participates in the electronic filing program) or mail the original and any supporting exhibits (and an extra copy if you want a file-stamped copy returned to you), along with the **\$400.00** filing fee or a motion to proceed *in forma pauperis*, to either:

**Clerk of the Court
United States District Court
Southern District of Illinois
301 West Main Street
Benton, IL 62812**

**Clerk of the Court
United States District Court
Southern District of Illinois
750 Missouri Avenue
East St. Louis, IL 62201**