

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

**INFORMATION AND INSTRUCTIONS**  
**FOR FILING COMPLAINTS UNDER 42 U.S.C. §1983**

- 1) The enclosed form is to assist you in preparing a complaint seeking relief under the Civil Rights Act. The court can grant relief under the Civil Rights Act, 42 U.S.C. § 1983, only for wrongs which amount to the denial of federal constitutional rights by a person acting under color of state law. Your complaint can be brought in this court only if one or more of the named defendants resides within this judicial district, or a substantial part of the events giving rise to the claim occurred in this judicial district.
- 2) In order for your complaint to be considered by the district court, it must be typewritten or **legibly** handwritten. All defendants must be listed in the caption/style/heading of the complaint. All questions must be answered clearly and concisely in the appropriate space on the form. Extra pages are not permitted except to complete parts A and D of the complaint. You should make clear to which count the continued information applies. If there is more than one defendant, you should clearly indicate which of the acts alleged is attributable to each defendant. Citation of legal authority or argument is not necessary.
- 3) Your complaint must be signed and include a declaration under penalty of perjury. You are cautioned that any deliberate false statement of a material fact may serve as the basis for prosecution and conviction for perjury. You should therefore exercise care to assure that all answers are true, correct, and complete.
- 4) The Court does not require any copies of the complaint. You should keep a copy of the complaint for your own records. If you want a file-stamped copy of the complaint returned to you, you must send a copy along with a self-addressed envelope with sufficient postage affixed for return of the copy to you.
- 5) The complaint must be accompanied by a filing fee of \$400.00. If you cannot afford to pay the fee, you may complete a motion for leave to proceed *in forma pauperis* and supporting affidavit, which you may obtain from the office of the court clerk. Your *in forma pauperis* status will be governed by 28 U.S.C. §1915, as amended by the Prison Litigation Reform Act of 1996.
- 6) The 1996 amendments to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. §1997e, provide that prisoners must exhaust available administrative remedies before initiating a prison conditions case under 42 U.S.C. §1983, or any other federal law. You must initiate and complete all levels of administrative review available at your institution for all claims raised in your complaint prior to bringing a prison conditions action under 42 U.S.C. §1983.
- 7) Notwithstanding the payment of any filing fee, or any portion thereof, the court will dismiss your action if it is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.
- 8) If the defendants in your action file a dispositive motion (e.g. motion to dismiss) which is supported

by matters outside the pleadings, you will be required to respond to such motion as if it were a motion for summary judgment in accordance with Fed. R. Civ. P. 56.

- 9) When your complaint is completed, it should be mailed with the filing fee or motion to proceed *in forma pauperis* and supporting affidavit to the following address:

**CLERK OF THE COURT  
UNITED STATES DISTRICT COURT  
333 West Fourth Street, Room 411  
Tulsa OK 74103-3819**

- 10) You are responsible for completing a summons for each person (defendant) you wish to sue. If you are proceeding *in forma pauperis*, you are also responsible for completing and signing a USM-285 Form for each named defendant. If you do not submit the appropriately completed summons or USM-285 forms at the time of the filing of the complaint, the forms will be provided after the court has directed the clerk's office to provide them.
- 11) The court does not require copies of any motions, pleadings, correspondence or other documents submitted to the court for filing and consideration, but you must furnish the opposing party or his attorney with a copy of all such documents submitted to the court. Each original document (except the original complaint) must include a certificate stating the date a copy of the document was mailed to the opposing party or his attorney and the address to which it was mailed. Any pleading or other document received which fails to include a certificate of service may be disregarded by the court or returned. If you want a file-stamped copy of a motion or other pleading returned to you, you must provide a copy along with a self-addressed envelope with sufficient postage affixed for return of the copy to you.

A certificate of service may be in the following form:

I hereby certify that a copy of the foregoing pleading/document

was mailed to \_\_\_\_\_  
(opposing party or counsel)

at \_\_\_\_\_  
(address)

on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(signature)

- 12) The United States Magistrate, the Clerk of Court, and deputy Clerks are officers of the court and are prohibited from giving legal advice. Questions of this nature should be directed to an attorney.

**Instructions For Summons.**

- (1) Your name.
- (2) Name of the first defendant in your civil rights complaint.
- (3) Name and address of the individual defendant you wish to sue. (You are reminded that you must fill out a separate summons for each named defendant you wish to sue.)
- (4) Your name and address.

**Instructions for USM-285 Form.**

- (1) Your name.
- (2) Name of the first defendant in your civil rights complaint.
- (3) Name and address of the individual defendant you wish to sue. (You are reminded that you must fill out a separate USM-285 Form for each named defendant you wish to sue.)
- (4) Your name and address.
- (5) Sign and check the appropriate box. Unless you sign each USM-285 Form, the Clerk will not forward it to the Marshal for service.

**Note:**

You are responsible for providing accurate names and addresses on any summons or USM-285 form submitted.