

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

222 West 7th Avenue #4
Anchorage, Alaska 99513-7564
(907) 677-6100

**INSTRUCTIONS FOR FILING COMPLAINT BY PRISONERS
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

If you are representing yourself without a lawyer, you should carefully read this Court's handbook, "Representing Yourself in Alaska's Federal Court," which can be obtained from the Clerk's Office. The handbook should help guide you in proceeding on your own before this Court.

A civil rights suit, under 42 U.S.C. § 1983, is an action against a person who has acted under **color of state law** (such as a state official or employee) to deprive a person of rights under the Constitution or laws of the United States. To bring a civil rights action, you must have had **your** civil rights violated. You may not normally sue a defendant for the violation of someone else's civil rights. Your complaint can be brought in this Court only if at least one of the named defendants is located within this district (Alaska).

Civil rights suits filed by inmates generally involve **conditions of confinement**. An action under § 1983 may not be used to challenge your conviction, or the length of your sentence. Such claims must be brought in a petition for writ of *habeas corpus*, on forms provided by the Court.

As explained below, check to make sure to send the following (fully completed) to the Court:

1. JS-44 Civil Cover Sheet
2. § 1983 complaint form
3. Summons forms
4. \$402 filing fee *or* Prisoner's Application to Waive Prepayment of the Filing Fee, with certified prison trust account statements for the past six months

**YOU MUST COMPLY WITH THE FOLLOWING INSTRUCTIONS
BEFORE THE CLERK WILL FILE YOUR COMPLAINT.**

To start an action you should file your case on the § 1983 complaint form provided by the Court. You should also keep a copy for your own records.¹ Your complaint must list ALL the defendants.

Your complaint and all other documents must be legibly handwritten or typewritten. **Do not write on the back of the complaint form.** If you need more space, attach additional sheets of paper of the same (8 ½ x 11) size.

You are required to give **dates** and **facts** in support of each claim. Please write the facts in your own words, as if you were briefly telling someone what happened to you. Describe how each defendant, by name, violated your civil rights. You must sign and declare under penalty of perjury that all facts in your complaint are correct. **THE COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.**

Under 42 U.S.C. § 1997e, you are required to **exhaust your administrative remedies** (generally, the prison grievance process) before filing a civil rights action. Otherwise, your complaint may be dismissed.

You are required to present the following documents with your complaint:

- (1) A completed JS-44, **Civil Cover Sheet**.
- (2) A **summons** for each defendant, which must include:
 - (a) the case caption identical to the case caption on the complaint listing ALL DEFENDANTS;
 - (b) the complete name and address of the specific defendant to be served (if known); and
 - (c) your name and address under “plaintiff’s attorney.”

You must send either the **\$402.00 filing fee** *or*, if you are unable to pay the full filing fee at this time, a fully completed **Prisoner’s Application to Waive Prepayment of Fees**, with all required documentation. **Carefully read** the information sheet, and fully fill out the form, if you chose to apply to waive prepayment of fees. You must use the application form provided by the Court, and not any other version. Keep a copy for your own records.

¹ If you request copies of Court documents from the Clerk of Court, they will be provided to you at fifty cents per page. Unless the Court orders otherwise, this is the case even if prepayment of fees has been waived.

If you apply to waive prepayment of fees and you have, on three or more occasions, while incarcerated or detained, filed actions or appeals which were **dismissed as frivolous, malicious, or for failure to state a claim** upon which relief may be granted, you may not file a new § 1983 action without first paying the **entire** filing fee, unless you are in imminent danger of serious physical injury.

In addition, the Court is required to review your complaint before service, and to dismiss if your action (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief. When an action is dismissed, the Court keeps the entire filing fee to cover the costs of processing the case. **No part of the fee will be returned** to you; instead, the Court continues to collect the fee until it is **paid in full**.

Once completed, all forms and your filing fee or application to waive prepayment of fees, should be sent to:

Clerk of Court
United States District Court
District of Alaska
222 W. 7th Avenue, Box 4
Anchorage, Alaska 99513-7564

You will be notified as soon as the Court issues an order in your case. It is your responsibility to keep the Court informed of any changes of address to ensure you receive Court orders. If you do not, your case may be dismissed.

Filing Documents After Service of the Complaint has been Ordered:

You must serve the defendant(s) with a copy of every document you send to the Court for filing. Each document should have a proper "Certificate of Service." The following is an example of a certificate of service, which should appear following your signature at the end of the document:

I hereby certify that a copy of the above (name of document) was mailed, first class, U.S. mail, to (name of opposing party or counsel) at (address) on (date of mailing/handing to correctional officer).

(Signature)