

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

**Instructions for Filing a Complaint by a Prisoner
Under the Civil Rights Act, 42 U.S.C. § 1983**

I. 42 U.S.C. § 1983

You may file an action under 42 U.S.C. § 1983 to challenge federal constitutional or statutory violations by state actors. Lawsuits challenging the conditions of your confinement are generally filed under this statute. A § 1983 action may not be used to challenge the length of your sentence or the validity of your conviction.

II. Filing a § 1983 Action

To file a § 1983 action, you must submit: (1) an original complaint and (2) a fee of \$400.00 (\$350.00 filing fee and \$50.00 administrative fee) (by money order or cashier's check made payable to "Clerk, U.S. District Court") or an original Prisoner's *In Forma Pauperis* Application.

This packet includes a complaint form and a Prisoner's *In Forma Pauperis* Application. When these forms are fully completed, mail the originals to: Office of the Clerk of Court, United States District Court for the District of New Hampshire, Warren B. Rudman United States Courthouse, 55 Pleasant Street, Room 110, Concord, NH 03301-3941. If granted, the \$50.00 administrative fee is waived.

III. Filing Fees

The fee for each Plaintiff in a § 1983 action is \$400.00 (\$350.00 filing fee and \$50.00 administrative fee), to be paid at the time of filing. If you are unable to pay the full filing fee at this time, you may apply to proceed *in forma pauperis*, using the Prisoner's *In Forma Pauperis* Application in this packet. If you are granted leave to proceed in forma pauperis the \$50.00 administrative fee is waived, but you must still pay the statutory filing fee of \$350.00 in several installments. 28 U.S.C. § 1915. You must fully complete the application and sign and declare under penalty of perjury that the facts stated therein are true and correct.

If the complaint contains more than one inmate plaintiff, each plaintiff must submit a separate Prisoner's *In Forma Pauperis* Application or filing fee. Inmate plaintiffs must use the Prisoner's *In Forma Pauperis* Application provided with this packet and not any other version.

IV. Complaint Form

The Complaint must be typewritten or legibly handwritten and you must sign and declare under penalty of perjury that the facts stated in the complaint are true and correct. Each plaintiff must sign the complaint.

V. Pro Se Litigation - Individual and Class Action Lawsuits

As a *pro se* litigant, you are representing only yourself and presenting only your claims and defenses. Under the law, you cannot speak for another person, or other entity. You may not represent a class of people in a class action lawsuit. See Local Rule 83.2(d) & 83.6(b). A *pro se* litigant may not authorize another person who is not a member of the bar of this court to appear on his or her behalf. Each *pro se* litigant must sign the complaint and all additional pleadings filed with the court on his or her behalf.

In order to assist *pro se* litigants, the Court has compiled the Pro Se Litigant Guide, which should be available in the libraries of all New Hampshire correctional facilities. If your facility does not have a copy, the Court will mail you a copy upon request.

VI. Exhaustion of Administrative Remedies

Under 42 U.S.C. § 1997e, you are required to exhaust your administrative remedies before filing a § 1983 action regarding conditions of confinement and other issues relating to prison life. Failure to exhaust administrative prison grievance procedures prior to filing your complaint may result in the dismissal of any unexhausted claims.

VII. Change of Address After Complaint is Filed

You will be notified as soon as the court issues any order in your case. It is your responsibility to keep the court informed of any changes of address to ensure you receive court orders. Failure to so do may result in dismissal of your action.

VIII. Copying Requests

Please note that the Office of the Clerk of Court charges fifty cents (.50¢) per page for all copy requests. Thus, we recommend that you keep copies of all documents submitted to the court for your own records.

United States District Court
District of New Hampshire

Plaintiff

v.

Civil Action No. _____
(To be provided by Clerk's Office)

Defendant(s)

TO BE COMPLETED BY PLAINTIFF
(Check One Only)
☐ DEMAND FOR JURY TRIAL
☐ NO JURY TRIAL DEMAND

COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C § 1983

I. Parties

A. Please provide the following information for each plaintiff:

1. Name _____
(Last) (First) (Initial)

2. Place of Detention _____

3. Institutional Address _____

4. Are you incarcerated pursuant to a pretrial detention order or are you a sentenced inmate?

- ☐ Pretrial Detention Order
☐ Sentenced Inmate

5. Date pretrial detention order was issued or sentence imposed _____

B. Please provide the full name, current title and address known for each defendant:

1. Name _____
(Last) (First) (Initial)

2. Title _____

3. Address _____

(If the complaint is being made against more than one defendant, please attach additional sheets listing the above information and allegations as follows.)

II. Statement of Claim

For each claim, please include the following information on attached sheets:

1. State which of your federal constitutional or federal statutory rights have been violated.
2. State which defendant(s) have violated that particular right for each allegation.
3. State, with specificity, the facts and circumstances that gave rise to the violations or deprivations alleged.
4. State the harm or damage that resulted from the alleged violation or deprivation.

Allegation 1: _____

Supporting *Facts*: _____

Allegation 2: _____

Supporting *Facts*: _____

Allegation 3: _____

Supporting Facts: _____

(If more space is needed to explain any allegation or to list additional facts, attach additional pages)

III. Relief

You must request specific relief in your Complaint. State briefly exactly what you want the court to do for you (attach additional pages if necessary):

Date: _____

Signature of Plaintiff

State of New Hampshire]
] ss
County of _____]

_____, being first duly sworn, upon oath, presents that (s)he has read and subscribed to the foregoing complaint, and states that the information contained therein is true and correct.

Subscribed and sworn before me this _____ day of _____, 20__..

Notary Public/Justice of the Peace

OR

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.

DATE

SIGNATURE

JURY TRIAL DEMAND

I demand a jury trial for all claims for which a jury trial is allowed.

YES (☐) NO (☐)
(check one only)

Date: _____

Signature of Plaintiff