

INSTRUCTIONS FOR FILING A COMPLAINT BY A PRISONER UNDER CIVIL RIGHTS ACT, 42 U.S.C. § 1983

NOTICE: The Prisoners Litigation Reform Act requires prisoners to exhaust available administrative remedies before filing a suit with respect to the conditions of confinement or the effects of action by government officials on the lives of persons confined in prison. In addition, the Act requires a prisoner to pay a **\$350.00 filing fee, and a \$50.00 administrative fee if not granted *in forma pauperis* status**, although the fee may be paid in installments. You may be required to pay part of the filing fee before the case goes forward.

These forms are not to be used for filing a Petition for Writ of Habeas Corpus, or to challenge the validity of a state conviction for a criminal offense.

Enclosed are two copies of a Complaint form, an Application to Proceed Without Prepayment of Fees and Costs, an Explanation of Filing Fees and Proceeding Without Prepayment of Fees or Costs, and an Authorization to Release Institutional Account Information and To Pay Filing Fee.

1. Your Complaint can be brought in this Court only if one or more of the named defendants are located within the Southern District of West Virginia (counties include: Boone, Cabell, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Putnam, Raleigh, Roane, Summers, Wayne, Wirt, Wood and Wyoming), or if your claim arose in this District. Further, you must file a separate complaint for each claim that you have unless they are all related to the same incident or issue.
2. You must file an original complaint. Use 8½ x 11 inch paper. You must also keep a copy of the complaint for your own records. If you do not retain a copy of your complaint and later request a copy from the Court, you will be required to pay a copying fee of \$0.50 per page. Please ensure that your copy of the complaint is identical to the original. The original complaint must bear an original signature from each plaintiff. Your complaint must be legibly written or typewritten and you are required to give facts. **THE COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.** The plaintiff or plaintiffs must include his/her inmate registration number. If you need additional space to answer a question, you may use the reverse side of the form or an additional blank page.
3. If you have \$400.00, send a check or money order for \$400.00 per complaint payable to “Clerk, U.S. District Court.” If you are unable to pay the \$400.00 filing fee, complete and sign an Application to Proceed Without Prepayment of Fees and Costs for each plaintiff (see Explanation of Filing Fees and Proceeding Without Prepayment of Fees or Costs).
4. All § 1983 complaints filed by prisoners are reviewed by a judge to determine whether the case should go forward. If the judge decides that your case will go forward, the judge will direct the Clerk to issue service of process.
5. The Clerk will serve the defendant(s) with a summons and copy of the complaint. You will receive notice of any action taken by this Court.
6. When all these forms are completed, mail them to:

Clerk, United States District Court
110 North Heber Street, Room 119
Beckley, West Virginia 25801
7. Documents certified as true under penalty of perjury do not need to be notarized. See 28 U.S.C. § 1746.

NOTE: If you are transferred to another institution or released from custody, you must promptly inform the Clerk of your new address. If you will be in transit for weeks or months, you must promptly inform the Clerk that you are in transit, and then inform the Clerk of your new address when you reach your designated institution.