

PRO SE OFFICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE
500 PEARL STREET, ROOM 230
NEW YORK, NEW YORK 10007

Ruby J. Krajick
CLERK OF COURT

INSTRUCTIONS FOR FILING A PRISONER' S CIVIL RIGHTS COMPLAINT

Attached are a complaint form and an application to waive the filing fee for a civil rights action under 42 U.S.C. § 1983. The instructions for completing them are as follows:

1. **Caption:** The caption is located in the top left corner on the first page of the complaint. You, as the person filing the complaint, are the Plaintiff. The people you allege have violated your rights and are responsible for your injuries should be named as the Defendants. You should state the first and last name of each defendant and badge number, if appropriate. If you do not know the name of a defendant, you should name him or her as “ John Doe” or “ Jane Doe” and include some descriptive information about that defendant. For example, “ John Doe Correctional Officer who worked the 8am-4pm shift on C-Block at Sing Sing Correctional Facility on January 1, 2006.”
2. **Jury Trial:** You are entitled to a trial by jury, but you may lose your right to a jury trial if you do not ask for it early enough. You should indicate on the first page of the complaint whether you want a jury trial by checking either “ yes” or “ no” in the top right corner of the first page of the complaint. You can also demand a jury trial within 14 days of service of the answer. If you fail to request, but later decide you want, a jury trial, you may request one by filing a formal motion and explaining why you did not ask for one earlier. The judge does not have to grant this motion.
3. **Contents:** The form should be completed in full. It can be typed or handwritten, and it must be legible. If you need more space to answer a question, use separate sheets of 8½x 11-inch paper and attach them to your complaint. You must provide the facts of your case, but need not include legal arguments or references to cases. One complaint must contain an original signature (in ink or pencil) from each plaintiff. Photocopies of your signature cannot be accepted. The complaint need not be notarized.
4. **Copies:** You must send the *Pro Se* Office the original complaint plus two identical copies. You should keep another copy for your records. Copies may be handwritten or typewritten but all copies (including any attached exhibits) must be identical to the original.
5. **Fee:** The filing fee is \$350.00, payable to the “ Clerk of Court, USDC, SDNY,” by certified check, bank check, money order, major credit card, or cash (if your complaint is submitted in person). Personal checks are not accepted.

6. **Inability to pay the filing fee:** If you are unable to afford the filing fee, you may apply to the Court to waive the fee by completing the enclosed Request to Proceed *In Forma Pauperis* and including it with your original complaint. The caption of this application must be identical to the caption on the complaint. If you currently are confined in a jail, prison, or other correctional facility, you must also complete a Prisoner Authorization Form and attach it to the Request to Proceed *In Forma Pauperis*. Even if the Court grants your application to waive the filing fee, your inmate account may be debited in accordance with the Prison Litigation Reform Act of 1995, codified at 28 U.S.C. § 1915(b). If there is more than one plaintiff, each plaintiff must provide a separate Request to Proceed *In Forma Pauperis* and Prisoner Authorization Form.

7. **Filing:** When you have completed the forms, mail the original and two copies of the complaint, along with the full filing fee or the Request to Proceed *In Forma Pauperis* and Prisoner Authorization Form, to the *Pro Se* Office at the address above.

8. **Serving the complaint:** Do not serve the complaint on defendants until a docket number is assigned to your case and a summons is issued. The *Pro Se* Office will send you further instructions and necessary documents when service is required.

9. **Language:** All papers must be submitted in English. All Court proceedings will be held in English. If you have difficulty understanding or writing in English, you should ask a relative or friend to help you prepare your papers, and you should bring someone to act as your interpreter whenever you come to Court.

10. **Questions:** If you have any questions, please contact the *Pro Se* Office, (212) 805-0175, during business hours, 8:30am - 5:00pm, Monday - Friday (except federal holidays). Please note that the *Pro Se* Office cannot accept collect calls.

***** These instructions need not be submitted with your complaint *****