

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.
- 2) You must type or **legibly** handwrite the complaint, using the court-approved form. You must answer all questions clearly and concisely in the appropriate space on the form. As provided on the form, you may attach additional pages if needed. If you attach additional pages, you must identify the question for which you are providing the additional information.
- 3) You must provide a full name for each defendant and describe where that defendant resides or may be located. 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.
- 4) 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.
- 5) When your complaint is completed, you must send the original complaint to the following address:

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

- 6) The Court does not require extra 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.
- 7) You must pay a filing fee of \$402.00 when you submit the complaint. This includes a \$350 filing fee and a \$52 administrative fee.
- 8) If you cannot afford to pay these fees, you may submit with your complaint a motion for leave to proceed *in forma pauperis* and supporting affidavit, using the court-approved form, which you may obtain from the Clerk of Court. See 28 U.S.C. ' 1915, Local Civil Rule 3.3.
 - If the court grants your request to proceed in forma pauperis, you will not be required to pay the \$52 administrative fee. You will be obligated to pay the \$350 filing fee as set forth below.

- You will be required to pay an initial partial payment, which the court will assess in accordance with 28 U.S.C. ' 1915(b). The court will direct prison officials to deduct the remaining balance from your prison accounts over time until your fees are paid in full.
 - You will remain obligated to pay the \$350 filing fee in full, **regardless of how the court decides your case.**
- 9) The court will review your complaint before deciding whether to authorize service of process on the defendants. See 28 U.S.C. ' 1915A. Notwithstanding the payment of any filing fee, or any portion thereof, the court will dismiss your action **at any time** 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. See 28 U.S.C. " 1915A, 1915(e)(2); 42 U.S.C. 1997e(c)(1).
 - 10) If the court authorizes service of process on the defendants, you are responsible for completing a summons for each defendant. If you are proceeding *in forma pauperis*, you must also complete and sign a USM-285 form for each defendant. Specific instructions for each form are provided on the last page of this document. You are responsible for providing accurate names and addresses on any summons or USM-285 form submitted.
 - 11) If the defendants in your action file a motion to dismiss the complaint and rely on evidentiary materials to support the motion, you will be required to respond to the motion as if it were a motion for summary judgment in accordance with Fed. R. Civ. P. 56.
 - 12) 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 by the court 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)

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.