

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

F I L E D  
U. S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

APR 01 1988

IN THE MATTER OF FEDERAL §  
PRISONERS FILING CIVIL ACTIONS §  
UNDER 28 U.S.C. §§1331 OR 1346 §

MURRAY S. HARRIS, CLERK  
By  
Deputy *Rita Robbins*

GENERAL ORDER

Acting by consent of the judges of this court, it is ORDERED, effective immediately, that this court adopt a prescribed form for federal prisoners filing civil actions under 28 U.S.C. §§1331 or 1346. To facilitate this, the following rules are also adopted:

1. The prescribed form for a Complaint for Civil Action for use by Federal Prisoners filing under 28 U.S.C. §§1331 or 1346 is attached hereto as Exhibit A. Complaints may be accepted and filed on other forms at the discretion of the court; however, completion of the prescribed form may be required as a pleading auxiliary, either before or after filing.
2. The court also adopts, as a mandatory form, the Application to Proceed in Forma Pauperis (AO-240) which is attached hereto as Exhibit B. No complaint will be accepted for filing in forma pauperis, except at the discretion of the court, until the application on the prescribed form is received. All such applications, to be valid, must be certified by an authorized official of the institution wherein the applicant is detained and must contain a statement of either the applicant's average prisoner account balance over the preceding six-month period or the applicant's total income received over the preceding six-month period.

3. Verification of the complaint and the application to proceed in forma pauperis is required before the pleading will be accepted. Pleadings may be verified, pursuant to 28 U.S.C. §1746, by signature under penalty of perjury or under oath before a notary public or other person authorized by law to administer an oath.
4. In the event that a complaint under 28 U.S.C. §1331 or 1346 is received but is determined by the Clerk to be technically deficient so as to fail to meet the requirements for filing in this court, the Clerk is hereby authorized to return the original and all copies received of said complaint to the plaintiff for correction of all such technical deficiencies without obligation on the part of the Clerk to retain a copy of said petition pending its return.

SIGNED this 1st day of April, 1988, on behalf of the court.

  
Chief Judge

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK  
EASTERN DISTRICT OF TEXAS

FEDERAL

MURRAY L. HARRIS  
CLERK

311 W. FERGUSON  
TYLER, TEXAS 75702

Re: Your Request for Forms for Filing a Civil Rights Complaint

In response to your inquiry, the forms you have requested for prisoners in filing a complaint for violation of civil rights are enclosed.

Please read the forms and follow the instructions **VERY CAREFULLY**. Make certain that you have answered **ALL** the questions and that you have signed in all the required places.

The filing fee for this type of civil action is \$120.00. At the time you submit the complaint, you may submit your check or money order made payable to:

Clerk, U.S. District Court.

In addition, prisoner complaints generally are served to the defendants by the United States Marshal with a usual charge of \$3.00 for each person served. **DO NOT** submit payment for the service at this time. After the case is filed, the U. S. Marshal Service will notify you by letter how you may prepay the fee for this service.

If you are unable to pay the filing fee and service costs for this complaint, you may ask the Court to allow you to proceed in forma pauperis. An application for this purpose is included with your forms. If you use this form, make certain that **each and every** question is properly answered, that you sign the form, and that the certificate portion is completed and signed by an authorized official of your institution. If you are an inmate of the Texas Department of Corrections, it is our understanding that the type of information required in the certificate is only available in Huntsville. The form must be submitted with a properly notarized release form through appropriate channels to E&R Accounting in Huntsville so that the certificate may be certified by an authorized person.

Forms which do not conform to the instructions will be returned with a notation as to the deficiency. Please give special attention to the information which follows

**VENUE:**

Your complaint can be brought in **THIS** Judicial District **ONLY** if all defendants reside in **THIS** district OR the cause of action arose in **THIS** district. If not, this is the wrong court. Submitting your complaint to the wrong court will only delay it.

**PARTIES:**

The plaintiff's full name must be listed on Pages 1 and 3. Inmate Number and full mailing address is required on page 3.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

\_\_\_\_\_  
\_\_\_\_\_

(Enter above the full name of each plaintiff  
in this action.)

\_\_\_\_\_  
\_\_\_\_\_

(Enter above the full name of each defendant  
in this action. Do not use "et al.")

I. PREVIOUS LAWSUITS:

A. Have you begun other lawsuits in state or federal court  
dealing with the same facts involved in this action or  
otherwise relating to your imprisonment?  YES  NO

B. If your answer to "A" is "yes," describe each lawsuit in the space  
below. (If there is more than one lawsuit, describe the additional  
lawsuits on another piece of paper the same size as this one,  
giving the same information.)

1. Approximate date of filing lawsuit: \_\_\_\_\_

2. Parties to previous lawsuit:

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

3. Court: (If federal, name the district; if state, name the county.)  
\_\_\_\_\_

4. Docket Number: \_\_\_\_\_

5. Name of judge to whom case was assigned: \_\_\_\_\_

6. Disposition: (Was the case dismissed? appealed? still pending?)  
\_\_\_\_\_  
\_\_\_\_\_

7. Approximate date of disposition: \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT: \_\_\_\_\_

A. Did you present the facts relating to your present complaint in the internal prison grievance procedure? \_\_\_\_\_ YES \_\_\_\_\_ NO

1. If your answer to "A" above is "Yes," what was the result?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. If your answer to "A" above is "No," explain.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

\_\_\_\_\_ YES \_\_\_\_\_ NO

1. If your answer is "Yes," state the date such claim was submitted and what action, if any, has been taken.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. If your claim has been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning your claim.

C. Are you suing for a work-related injury? \_\_\_\_\_ YES \_\_\_\_\_ NO

If your answer is "Yes," state the nature of the duties you were performing when the injury occurred.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. PARTIES TO THIS SUIT:

A. Name and address of each plaintiff: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Full name of each defendant, his official position, his place of employment and his full mailing address.

Defendant #1: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant #2: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant #3: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant #4: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IV. STATEMENT OF CLAIM

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra pages the same size as this page if necessary.)

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

V. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(date)

(month)

(year)

\_\_\_\_\_  
\_\_\_\_\_  
(Signature of each plaintiff.)

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on: \_\_\_\_\_

(date)

\_\_\_\_\_  
\_\_\_\_\_  
(Signature of each plaintiff.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

\_\_\_\_\_  
\_\_\_\_\_

(Enter above the full name of each plaintiff  
in this action.)

\_\_\_\_\_  
\_\_\_\_\_

(Enter above the full name of each defendant  
in this action. Do not use "et al.")

I. PREVIOUS LAWSUITS:

A. Have you begun other lawsuits in state or federal court  
dealing with the same facts involved in this action or  
otherwise relating to your imprisonment? \_\_\_ YES \_\_\_ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space  
below. (If there is more than one lawsuit, describe the additional  
lawsuits on another piece of paper the same size as this one,  
giving the same information.)

1. Approximate date of filing lawsuit: \_\_\_\_\_

2. Parties to previous lawsuit:

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

3. Court: (If federal, name the district; if state, name the county.)  
\_\_\_\_\_

4. Docket Number: \_\_\_\_\_

5. Name of judge to whom case was assigned: \_\_\_\_\_

6. Disposition: (Was the case dismissed? appealed? still pending?)  
\_\_\_\_\_  
\_\_\_\_\_

7. Approximate date of disposition: \_\_\_\_\_



II. PLACE OF PRESENT CONFINEMENT: \_\_\_\_\_

A. Did you present the facts relating to your present complaint in the internal prison grievance procedure? \_\_\_\_\_ YES \_\_\_\_\_ NO

1. If your answer to "A" above is "Yes," what was the result?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. If your answer to "A" above is "No," explain.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

\_\_\_\_\_ YES \_\_\_\_\_ NO

1. If your answer is "Yes," state the date such claim was submitted and what action, if any, has been taken.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. If your claim has been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning your claim.

C. Are you suing for a work-related injury? \_\_\_\_\_ YES \_\_\_\_\_ NO

If your answer is "Yes," state the nature of the duties you were performing when the injury occurred.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. PARTIES TO THIS SUIT:

A. Name and address of each plaintiff: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

B. Full name of each defendant, his official position, his place of employment and his full mailing address.

Defendant #1: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Defendant #2: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Defendant #3: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Defendant #4: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

IV. STATEMENT OF CLAIM

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra pages the same size as this page if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Multiple horizontal lines for writing.

V. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Multiple horizontal lines for writing.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(date)

(month)

(year)

(Signature of each plaintiff.)

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on: \_\_\_\_\_

(date)

(Signature of each plaintiff.)

# United States District Court

EASTERN

DISTRICT OF

TEXAS

## APPLICATION TO PROCEED IN FORMA PAUPERIS, SUPPORTING DOCUMENTATION AND ORDER

v.

CASE NUMBER:

I, \_\_\_\_\_, declare that I am the (check appropriate box)

petitioner/plaintiff

movant (filing 28 U.S.C. 2255 motion)

respondent/defendant

\_\_\_\_\_  
other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

In further support of this application, I answer the following questions.

1. Are you presently employed? Yes  No

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or other form of self-employment Yes  No

b. Rent payments, interest or dividends? Yes  No

c. Pensions, annuities or life insurance payments? Yes  No

d. Gifts or inheritances? Yes  No

e. Any other sources? Yes  No

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

- 3. Do you own any cash, or do you have money in checking or savings accounts?  
 Yes  No  (Include any funds in prison accounts.)  
 If the answer is "yes," state the total value of the items owned.
  
- 4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?  
 Yes  No   
 If the answer is "yes," describe the property and state its approximate value.
  
- 5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_ (Date) \_\_\_\_\_ Signature of Applicant

**CERTIFICATE**  
(Prisoner Accounts Only)

I certify that the applicant named herein has the sum of \$ \_\_\_\_\_ on account to his credit at the \_\_\_\_\_ institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution: \_\_\_\_\_

I further certify that during the last six months the applicant's average balance was \$ \_\_\_\_\_ \*\*

**\*\*MAY SUBSTITUTE "TOTAL INCOME" DURING LAST 6 MONTHS. IF SO, PLEASE INDICATE THIS CHANGE.**

\_\_\_\_\_  
Authorized Officer of Institution

**ORDER OF COURT**

The application is hereby denied

\_\_\_\_\_  
United States Judge Date

The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.

\_\_\_\_\_  
United States Judge or Magistrate Date