
Name and Prisoner/Booking Number

Place of Confinement

Mailing Address

City, State, Zip Code

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

(Full Name of Plaintiff)

Case No. _____
(To be supplied by the Clerk)

vs.

PRISONER CIVIL RIGHTS COMPLAINT

- Original Complaint
- First Amended Complaint
- Second Amended Complaint

(Full Names of Defendants; DO NOT USE *et al.*)

A. JURISDICTION

1. Jurisdiction is invoked pursuant to:

- a. 28 U.S.C. § 1343(a)(3) ; 42 U.S.C. § 1983
- b. 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971)
- c. Other: (Please Specify) _____

2. Plaintiff: _____

Institution/city where violation occurred: _____

3. First Defendant *: _____

This defendant is a citizen of (state and county) _____,
and is employed as:

_____ at _____.

(Position and Title)

(Institution)

This defendant is sued in his/her ___ individual ___ official capacity (check one or both). Explain how

this defendant was acting under color of law:

4. Second Defendant: _____

This defendant is a citizen of (state and county) _____
_____, and is employed as:

_____ at _____
(Position and Title) (Institution)

This defendant is sued in his/her ___ individual ___ official capacity (check one or both). Explain how this defendant was acting under color of law:

5. Third Defendant: _____

This defendant is a citizen of (state and county) _____
_____, and is employed as:

_____ at _____
(Position and Title) (Institution)

This defendant is sued in his/her ___ individual ___ official capacity (check one or both). Explain how this defendant was acting under color of law:

(If you would like to name additional defendants, make a copy of this (blank) page and provide the necessary information.)

* A defendant may be named in an individual or official capacity, or both. To sue a defendant in their **individual capacity**, you must be able to state facts showing that the defendant was actually involved in violating your rights. A suit against a defendant in their **official capacity** is in reality a suit against the office or position the defendant holds. Only injunctive relief is available in an official capacity suit against a state official. This is because the **Eleventh Amendment** confers immunity upon the state or its officials against monetary damages resulting from federal court litigation.

“Color of law” refers to whether the person is a private party or an employee, official, or agent of a state, county, city, or the federal government. There can be no civil rights action under § 1983 unless the defendant was “acting under color of law.” After the color of law requirement is met, then it must be determined in which capacity the defendant is being sued.

B. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits while a prisoner: Yes No

2. If your answer is yes, how many?: _____ Describe the lawsuit in the spaces below.

3. First previous lawsuit:
 - a. Plaintiff _____
Defendants _____

 - b. Court and Case Number (if federal court, identify the district; if state court, identify the county):

 - c. Claims raised: _____

 - d. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)

 - e. Approximate date of filing lawsuit _____

 - f. Approximate date of disposition _____

4. Second previous lawsuit:
 - a. Plaintiff _____
Defendants _____

 - b. Court and Case Number (if federal court, identify the district; if state court, identify the county):

 - c. Claims raised: _____

 - d. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)

 - e. Approximate date of filing lawsuit _____

 - f. Approximate date of disposition _____

5. Third previous lawsuit:

- a. Plaintiff _____
Defendants _____
- b. Court and Case Number (if federal court, identify the district; if state court, identify the county):

- c. Claims raised: _____
- d. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)

- e. Approximate date of filing lawsuit _____
- f. Approximate date of disposition _____

(If you have filed more than three lawsuits, make a copy of this (blank) page and provide the necessary information.)

- 6. Have you filed any actions in federal court that were dismissed because they were frivolous, malicious, or failed to state a claim upon which relief could be granted? ___Yes ___No.

If you have had three or more previous federal actions dismissed for any of the reasons stated above, you may not bring another civil action in forma pauperis unless you are under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

COUNT II

1. The following constitutional or other federal civil right has been violated by the Defendant(s):

2. Count II involves: (Check **only one**; if your claim involves more than one issue, each issue should be stated in a different count)

- Mail
- Access to the court
- Medical care
- Disciplinary proceedings
- Property
- Exercise of religion
- Retaliation
- Excessive force by an officer
- Threat to safety
- Other: _____

3. **Supporting Facts:**(State as briefly as possible the FACTS supporting Count II, without citing legal authority or arguments. Describe exactly what each Defendant did or did not do to violate your rights.)

4. Injury: (State how you have been injured by Defendant(s)' actions or inactions.

COUNT III

1. The following constitutional or other federal civil right has been violated by the Defendant(s):

2. Count III involves: (Check **only one**; if your claim involves more than one issue, each issue should be stated in a different count)

- Mail
- Access to the court
- Medical care
- Disciplinary proceedings
- Property
- Exercise of religion
- Retaliation
- Excessive force by an officer
- Threat to safety
- Other: _____

3. **Supporting Facts:** (State as briefly as possible the **FACTS** supporting Count III, without citing legal authority or arguments. Describe exactly what each Defendant did or did not do to violate your rights.)

4. Injury: (State how you have been injured by Defendant(s)' actions or inactions.)

(If you assert more than three Counts, make a copy of this (blank) page and provide the necessary information.)

D. REQUEST FOR RELIEF

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. §1621.

Signed this _____ day of _____, _____.
(month) (year)

(Signature of Plaintiff)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If needed, you may attach no more than **fifteen (15) additional pages**. Number these pages in relation to the final page number of the section that is being extended (i.e. additional defendants' pages should be numbered "2A, 2B, etc.," additional previous lawsuits' pages "4A, 4B, etc.," additional claims should be numbered "7A, 7B, etc.," This form, however, must be completely filled in to the extent applicable.