



## HOW TO BEGIN A PRISONER CIVIL RIGHTS ACTION

If you are a pre-trial detainee, inmate of a county jail, or prisoner in a facility operated by the state or federal government or a private company and you feel that a federal or state actor has violated your federal rights, you may want to file a civil rights action under 42 U.S.C. § 1983 (“Section 1983”) or *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971) (“*Bivens*”). If your complaint concerns the actions of state actors, you should file it under Section 1983. If your complaint concerns the actions of federal actors, you should file it under *Bivens*. Some example of common civil rights claims are claims concerning prisoner medical treatment and the conditions of confinement.

### How do I begin a civil rights lawsuit in federal court?

To begin a civil rights lawsuit in the Middle District of Tennessee, you must do the following:

- Complete and sign your complaint;
- Complete the Civil Cover Sheet form;
- Pay \$400 (\$350 filing fee and \$50 administrative fee) or complete an Application to Proceed in District Court Without Prepaying Fees or Costs (“**IFP Application**”);
- Submit these documents to the Clerk’s Office.

You can obtain the needed forms by contacting the Clerk’s Office using the contact information provided at the end of this document.

### Is there a fee for filing a civil rights action?

A \$400 fee (\$350 filing fee plus a \$50 administrative fee) is required when filing a civil complaint in federal court. The entire \$400 is due at the time you file your complaint.

### What if I can’t afford the fee?

If you cannot afford to pay the full filing fee and administrative fee at the time you file your complaint, you can ask the Court to grant you in forma pauperis status. You will need to complete an application to proceed in forma pauperis, which sometimes is called “an application to proceed without prepaying fees or costs” or an “IFP application,” and file the application with the Court.

In addition to the application to proceed in forma pauperis, you will need to file a certified copy of your inmate trust account statement for the six months immediately preceding the filing of your complaint.

If the Court approves your IFP application, it does not mean that you are excused from paying the filing fee. It means the Court will set up an installment plan that requires you to pay the filing fee over time in small payments that are deducted from your inmate trust account when you have enough money. But, if you are allowed to proceed in forma pauperis, you will not have to pay the administrative fee of \$50 at any time.

If Court denies your application, you must pay the \$400 fee in full for your case to proceed.

### What happens after the Court receives my documents?

Your case will be assigned a civil action number. Your case will be assigned randomly to two judges—a district judge and a magistrate judge. You cannot choose your judges.

The district judge to whom your case is assigned will review your complaint to make sure you have filed it correctly.

Next, pursuant to 28 U.S.C. § 1915A, the Court will screen your complaint to determine if you have sued a defendant for damages who is immune from damages claims or if any of the prisoner’s claims are frivolous,

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malicious, or fail to state a claim upon which relief may be granted. This means that, after screening, the Court may dismiss some of your claims and some of your defendants. The Court also may dismiss your entire case.

There is no set amount of time for how long it will take the Court to screen your complaint. If it is taking longer than you expected, you can write or call the Clerk's Office to check on the status of your case.

After the Court has screened your complaint, you will receive a written ruling from the Court. The ruling will inform you if the Court dismissed any of your claims and, if so, why. The ruling also will inform you if the Court allowed any of your claims to proceed for further development.

If the Court dismissed **all** of your claims at the screening stage, your complaint will not be served on the defendants, and your case is dismissed.

If the Court allowed **any** of your claims to proceed past initial screening for further development, you will receive additional information from the Court. It is very important for you to follow all of the Court's instructions and meet all of the deadlines given to you by the Court.

### **Am I supposed to serve my complaint on the defendant(s)?**

If the Court allowed your case to proceed past the initial screening required by 28 U.S.C. § 1915A, you are required to let the remaining defendants know that you have filed a case against them in federal court. The way that you notify the defendants is through a process called "service of process" or "service."

It is important to know that there are different rules for serving a complaint for plaintiffs who paid the filing fee up front and plaintiffs who are proceeding in forma pauperis (who did not pay the filing fee up front). These rules are complicated, so pay close attention to each step to be sure you serve the defendants properly or else your case may be dismissed.

If you paid the filing fee and the Court authorized the lawsuit to proceed, the Clerk's Office will send you a summons form to complete and serve with the complaint on the defendants. You are responsible for arranging service on all the defendants. You may consult the Court's Service of Process Information Sheet for more information on service.

If you were granted IFP status and the Court authorized the lawsuit to proceed, the Clerk's Office will send you the U.S. Marshals Service Form and the summons form to complete. You must complete these forms and return them to the Clerk's Office. The U.S. Marshals Service will serve your summons and complaint on the defendant(s). The Clerk's Office and the U.S. Marshals Service are not responsible for providing accurate addresses to serve the defendant(s).

### **What if I want to change my complaint after I file it?**

The Court may allow you to amend, or change, your complaint. Under certain circumstances, you must obtain permission from the Court. Follow Federal Rule of Civil Procedure 15(a) and Local Rule 15.01 if you want to amend your complaint.

### **How do I contact the Clerk's Office?**

Clerk's Office  
United States District Court, Middle District of Tennessee  
801 Broadway  
Nashville, TN 37203

You can call the Clerk's Office at (615) 736-5498. Select Option 1 for case information. Select Option 0 to speak to the operator.

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