

**INSTRUCTIONS FOR FILING  
CIVIL RIGHTS COMPLAINT UNDER BIVENS  
IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

- (1) This complaint must be legibly handwritten or typewritten, and signed by the plaintiff. All questions must be answered concisely in the proper space on the form. Do NOT write on the back of any page. No citation of case or statutory authority is necessary.
- (2) Additional pages not to exceed fifteen (15) in number may be included with the court approved form complaint, provided the form is completely filled in to the extent applicable in the particular case. This limitation does not include exhibits.
- (3) Upon receipt of a **fee of \$400** (\$350 statutory fee and \$50 administrative fee) your complaint will be filed if it is in proper order. The \$400 fee must be submitted with the complaint, not separately.
- (4) If you do not have the necessary funds to pay the filing fee or cannot afford to pay for transcripts, counsel, appeal, or other costs connected with this civil action, you may request permission to proceed in forma pauperis, in which event you must execute a separate form provided by the Court, entitled “Motion and Declaration Under Penalty of Perjury in Support of Motion to Proceed In Forma Pauperis” setting forth information establishing your inability to pay fees or costs.

IF YOU ARE A PRISONER, you must attach a certified copy of your prison trust account statements for the 6-month period immediately preceding the filing of the complaint per 28 U.S.C. § 1915(a)(2) or your motion to proceed in forma pauperis will be denied. Even if your motion to proceed in forma pauperis is granted, however, the Court may assess an initial partial filing fee at the time your action is filed and the \$50 administrative fee will be waived. After the initial partial fee is assessed, YOU WILL STILL OWE THE BALANCE OF THE \$350 STATUTORY FILING FEE WHICH THE COURT WILL ORDER GARNISHED FROM YOUR PRISON TRUST ACCOUNT.

- (5) When the complaint is fully completed, it must be mailed to:

**Clerk of U.S. District Court  
333 West Broadway, Suite 420  
San Diego, CA 92101**

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(CDCR / Booking / BOP No.)

## United States District Court Southern District of California

\_\_\_\_\_,  
(Enter full name of plaintiff in this action.) )

Plaintiff, )

v. )

\_\_\_\_\_, )  
\_\_\_\_\_, )  
\_\_\_\_\_, )  
\_\_\_\_\_, )  
\_\_\_\_\_, )  
(Enter full name of each defendant in this action.) )

Defendant(s). )

Civil Case No. \_\_\_\_\_  
(To be supplied by Court Clerk)

**Civil Rights Complaint**  
per 28 U.S.C. § 1331  
and *Bivens v. Six Unknown*  
*Named Agents of Federal Bureau*  
*of Narcotics*, 403 U.S. 388 (1971)

### A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1331 and *Bivens*. If you wish to assert jurisdiction under different or additional authority, list them below.

\_\_\_\_\_.

### B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, \_\_\_\_\_  
(print Plaintiff's name)

\_\_\_\_\_, who presently resides at \_\_\_\_\_  
(mailing address or place of confinement)

\_\_\_\_\_, were violated by the actions of the  
below named individuals. The actions were directed against Plaintiff at \_\_\_\_\_

\_\_\_\_\_ on (dates) \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.  
(institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

2. **Defendants:** (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant \_\_\_\_\_ resides in \_\_\_\_\_,  
(name) (County of residence)  
and is employed as a \_\_\_\_\_. This defendant is sued in  
(defendant's position/title (if any))  
his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting under  
color of law: \_\_\_\_\_

Defendant \_\_\_\_\_ resides in \_\_\_\_\_,  
(name) (County of residence)  
and is employed as a \_\_\_\_\_. This defendant is sued in  
(defendant's position/title (if any))  
his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting under  
color of law: \_\_\_\_\_

Defendant \_\_\_\_\_ resides in \_\_\_\_\_,  
(name) (County of residence)  
and is employed as a \_\_\_\_\_. This defendant is sued in  
(defendant's position/title (if any))  
his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting under  
color of law: \_\_\_\_\_

Defendant \_\_\_\_\_ resides in \_\_\_\_\_,  
(name) (County of residence)  
and is employed as a \_\_\_\_\_. This defendant is sued in  
(defendant's position/title (if any))  
his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting under  
color of law: \_\_\_\_\_







**D. Previous Lawsuits and Administrative Relief**

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case?  Yes  No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

(b) Name of the court and docket number: \_\_\_\_\_

\_\_\_\_\_.

(c) Disposition: [ For example, was the case dismissed, appealed, or still pending?] \_\_\_\_\_

\_\_\_\_\_.

(d) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

(e) Approximate date case was filed: \_\_\_\_\_.

(f) Approximate date of disposition: \_\_\_\_\_.

2. Have you previously sought and exhausted all forms of available relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDCR Inmate/Parolee Appeal Form 602, BP-8, BP-9, etc.] ?  Yes  No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not exhausted.

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

**E. Request for Relief**

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

2. Damages in the sum of \$ \_\_\_\_\_.

3. Punitive damages in the sum of \$ \_\_\_\_\_.

4. Other: \_\_\_\_\_

\_\_\_\_\_.

**F. Demand for Jury Trial**

Plaintiff demands a trial by  Jury  Court. (Choose one.)

**G. Consent to Magistrate Judge Jurisdiction**

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

Plaintiff consents to magistrate judge jurisdiction as set forth above.

**OR**

Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Plaintiff