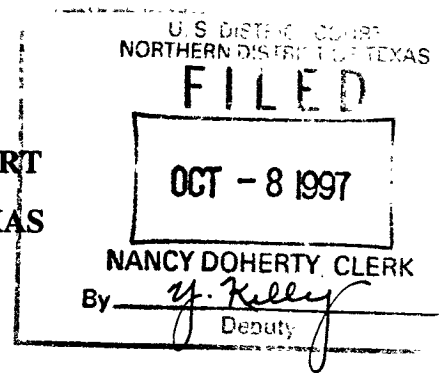


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

MISCELLANEOUS ORDER NO. 14



PROCEDURE FOR HANDLING
PRISONER CIVIL RIGHTS ACTIONS

IT IS HEREBY ORDERED that effective this date, complaints filed in the Northern District of Texas by state or federal prisoners alleging civil rights violations under 42 U.S.C. §1983 shall be drafted and submitted on the form attached hereto as "Exhibit A." If a prisoner seeks leave to proceed *in forma pauperis* pursuant to the provisions of 28 U.S.C. §1915 in lieu of paying the applicable filing fee, an application to proceed *in forma pauperis* shall be drafted and submitted along with the complaint on the form attached hereto as "Exhibit B." Additionally, a prisoner requesting permission to proceed *in forma pauperis* must file a statement, certified by an authorized officer of the institution in which the prisoner is confined, showing the current inmate trust account balance and average monthly balances and deposits in the trust account for the six-month period immediately prior to the date of filing the complaint.

Any request for the aforementioned forms made by a prisoner confined in a Texas Department of Criminal Justice facility shall be answered by the Clerk of Court with a notice advising the prisoner that copies of the complaint and *in forma pauperis* form may be obtained from the institution in which the prisoner is confined.

SO ORDERED.

DATED: October 8, 1997.

Jerry Buchmeyer
JERRY BUCHMEYER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF TEXAS
_____ DIVISION

Plaintiff's name and ID Number

Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v.

Defendant's name and address

Defendant's name and address

Defendant's name and address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. This is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$150.00.

If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.

3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$150 filing fee has been paid.

4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuits in state or federal court 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, 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: _____

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach proof of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: _____

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

Defendant #1: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #2: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need 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. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. **IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.**

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

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____
2. Case Number: _____
3. Approximate date warnings were imposed: _____

Executed on: _____
DATE

(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this _____ day of _____, 19 _____.
(Day) (month) (year)

(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF TEXAS
_____ DIVISION

Plaintiff's name and ID Number

Place of Confinement

CASE NO. _____
(Clerk will assign the number)

v.

**APPLICATION TO PROCEED
IN FORMA PAUPERIS**

Defendant's name and address

I, _____, declare, depose, and say I am the Plaintiff in the above entitled case. In support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state because of my poverty, I am unable to pay in advance the filing fee for said proceedings or to give security for the filing fee. I believe I am entitled to relief.

I, further declare the responses which I have made to the questions and instructions below are true.

1. Have you received, within the last 12 months, any money from any of the following sources?

a. Business, profession or from self-employment	Yes <input type="checkbox"/> No <input type="checkbox"/>
b. Rent payments, interest or dividends?	Yes <input type="checkbox"/> No <input type="checkbox"/>
c. Pensions, annuities or life insurance payments?	Yes <input type="checkbox"/> No <input type="checkbox"/>
d. Gifts or inheritances?	Yes <input type="checkbox"/> No <input type="checkbox"/>
e. Family or friends?	Yes <input type="checkbox"/> No <input type="checkbox"/>
f. Any other sources?	Yes <input type="checkbox"/> No <input type="checkbox"/>

If you answered YES to any of the questions above, describe each source of money and state the amount received from each during the past 12 months.

2. Do you own cash, or do you have money in a checking or savings account, including any funds in prison accounts?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
------------------------------	-----------------------------

If you answered YES, state the total value of the items owned.

3. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property, excluding ordinary household furnishings and clothing?

Yes

No

If you answered YES, describe the property and state its approximate value.

I understand a false statement in answer to any question in this affidavit will subject me to penalties for perjury. I declare (certify, verify, or state) under penalty of perjury that the foregoing is true and correct (28 U.S.C. §1746).

Signed this the _____ day of _____, 19__.

Signature of Plaintiff

ID Number

YOU MUST ATTACH A CURRENT SIX (6) MONTH HISTORY OF YOUR INMATE TRUST ACCOUNT. YOU CAN ACQUIRE THE APPROPRIATE INMATE ACCOUNT CERTIFICATE FROM THE LAW LIBRARY AT YOUR PRISON UNIT (OR OTHER DESIGNATED LOCATION).

VENUE LIST

WESTERN DISTRICT OF TEXAS:

AUSTIN DIVISION:

U. S. District Clerk's Office
200 W. 8th Street
Austin, TX 78701

UNITS in AUSTIN DIVISION:

1. BURNETT UNIT
BURNETT, TX
2. KYLE UNIT
KYLE, TX
3. LOCKHART UNIT
LOCKHART, TX
3. SAN SABA UNIT
SAN SABA, TX
4. TRAVIS COUNTY STATE JAIL
AUSTIN, TX

EL PASO DIVISION:

U.S. District Clerk's Office
511 E. San Antonio Street
108 U.S. Courthouse
El Paso, TX 79901

UNITS in EL PASO DIVISION:

1. SANCHEZ STATE JAIL
EL PASO, TX

PECOS DIVISION:

U. S. District Clerk's Office
P O. Box 191
Pecos, TX 79722

UNITS in PECOS DIVISION:

1. FORT STOCKTON UNIT
FORT STOCKTON, TX

UNITS IN PECOS DIVISION:

(continued)

2. LYNAUGH UNIT
FORT STOCKTON, TX

SAN ANTONIO DIVISION:

U. S. District Clerk's Office
655 E. Durango Blvd.
San Antonio, TX 78206-1198

UNITS in SAN ANTONIO DIVISION:

1. BRISCOE UNIT
DILLY, TX
2. CONNALLY UNIT
KENEDY, TX
3. DOMINGUEZ STATE JAIL
SAN ANTONIO, TX
4. NEY STATE JAIL
HONDO, TX
5. SAN ANTONIO WACKENHUT
SAN ANTONIO, TX
6. TORRES UNIT
HONDO, TX

WESTERN DISTRICT OF TEXAS
CONTINUED ON NEXT PAGE

VENUE LIST

WESTERN DISTRICT OF TEXAS

(CONTINUED)

WACO DIVISION:

U. S. District Clerk's Office
P. O. Box 608
Waco, TX 76703

UNITS in WACO DIVISION:

1. BARTLETT STATE JAIL
BARTLETT, TX
2. BOYD UNIT
TEAGUE, TX
3. GATESVILLE UNIT
GATESVILLE, TX
4. HILTOP UNIT
GATESVILLE, TX
5. HOBBY UNIT
MARLIN, TX
6. HUGHES UNIT
GATESVILLE, TX
7. MARLIN UNIT
MARLIN, TX
8. MOUNTAIN VIEW UNIT
GATESVILLE, TX
9. MURRAY UNIT
GATESVILLE, TX
10. WOODMAN STATE JAIL
GATESVILLE, TX

DEL RIO DIVISION:

UNITS in DEL RIO DIVISION:

NONE AT THIS TIME

MIDLAND-ODESSA DIVISION:

UNITS in MIDLAND-ODESSA DIVISION:

NONE AT THIS TIME

VENUE LIST

EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION:

U. S. District Clerk's Office
300 Willow Street
Beaumont, TX 77701

UNITS in BEAUMONT DIVISION:

1. CLEVELAND UNIT
CLEVELAND, TX
2. GIST STATE JAIL
BEAUMONT, TX
3. GOODMAN UNIT
JASPER, TX
4. HENLEY UNIT
DAYTON, TX
5. HIGHTOWER UNIT
DAYTON, TX
6. LeBLANC UNIT
DAYTON, TX
7. NEWTON STATE JAIL
NEWTON, TX
8. PLANE STATE JAIL
DAYTON, TX
8. STILES UNIT
BEAUMONT, TX

PARIS DIVISION:

U. S. District Clerk's Office
300 Willow Street
Beaumont, TX 77701

UNITS in PARIS DIVISION:

1. C. MOORE UNIT
BONHAM, TX
2. COLE STATE JAIL
BONHAM, TX

LUFKIN DIVISION:

U. S. District Clerk's Office
300 Willow Street
Beaumont, TX 77701

UNITS in LUFKIN DIVISION:

1. DIBOLL CORRECTIONAL CENTER
DIBOLL, TX
2. DIBOLL UNIT
DIBOLL, TX
3. EASTHAM UNIT
LOVELADY, TX
4. LEWIS UNIT
WOODVILLE, TX
5. TERRELL UNIT
LIVINGSTON, TX

SHERMAN DIVISION:

U. S. District Clerk's Office
101 East Pecan Street Room 216
Sherman, TX 76909

UNITS in SHERMAN DIVISION:

NONE AT THIS TIME

TEXARKANA DIVISION:

U. S. District Clerk's Office
101 East Pecan Street Room 216
Sherman, TX 76909

UNITS in TEXARKANA DIVISION:

1. TELFORD UNIT
NEW BOSTON, TX

EASTERN DISTRICT OF TEXAS
CONTINUED ON NEXT PAGE

VENUE LIST

EASTERN DISTRICT OF TEXAS (CONTINUED)

TYLER DIVISION:

U. S. Clerk's Office
211 West Ferguson Room 206
Tyler, TX 75702

UNITS in TYLER DIVISION:

1. **BETO UNIT
TENNESSEE COLONY, TX**
2. **BRADSHAW UNIT
HENDERSON, TX**
3. **COFFIELD UNIT
TENNESSEE COLONY, TX**
4. **GURNEY UNIT
TENNESSEE COLONY, TX**
5. **HODGE UNIT
RUSK, TX**
6. **JOHNSTON STATE JAIL
WINNSBORO, TX**
7. **MICHAEL UNIT
TENNESSEE COLONY, TX**
8. **B. MOORE UNIT
OVERTON, TX**
9. **POWLEDGE UNIT
TENNESSEE COLONY, TX**
10. **SKYVIEW UNIT
RUSK, TX**

VENUE LIST

NORTHERN DISTRICT OF TEXAS

ABILENE DIVISION:

U. S. District Clerk's Office
P. O. Box 1218
Abilene, TX 79601

UNITS in ABILENE DIVISION:

1. MIDDLETON UNIT
ABILENE, TX
2. ROBERTSON UNIT
ABILENE, TX
3. SAYLE UNIT
BRECKENRIDGE, TX
4. WARE STATE JAIL
COLORADO CITY, TX
5. WALLACE UNIT
COLORADO, TX

AMARILLO DIVISION:

U. S. District Clerk's Office
P O Box F-13240
Amarillo, TX 79189

UNITS in AMARILLO DIVISION:

1. CLEMENTS UNIT
AMARILLO, TX
2. DALHART UNIT
DALHART, TX
3. JORDAN UNIT
PAMPA, TX
4. NEAL UNIT
AMARILLO, TX
5. ROACH UNIT
CHILDRESS, TX
6. TULIA UNIT
TULIA, TX

DALLAS DIVISION:

U. S. District Clerk's Office
1100 Commerce Street, Room 14A20
Dallas, TX 75242-1003

UNITS in DALLAS DIVISION:

1. DAWSON STATE JAIL
DALLAS, TX
2. HUTCHINS STATE JAIL
DALLAS, TX
3. VENUS UNIT
VENUS, TX

FT. WORTH DIVISION:

U. S. District Clerk's Office
501 West 10th Street, Room 202
Ft. Worth, TX 76102-3643

UNITS in FT. WORTH DIVISION:

1. BRIDGEPORT UNIT
BRIDGEPORT, TX
2. CONCEPT, INC.
MINERAL WELLS, TX
3. CORRECTIONAL CORP. OF AMERICA
MINERAL WELLS, TX
4. FT. WORTH WACKENHUT
FT. WORTH, TX

NORTHERN DISTRICT OF TEXAS
CONTINUED ON NEXT PAGE

VENUE LIST

**NORTHERN DISTRICT OF TEXAS
(CONTINUED)**

**UNITS in FT. WORTH DIVISION:
(CONTINUED)**

- 5. LINDSAY STATE JAIL
JACKSBORO, TX

LUBBOCK DIVISION:

U. S. District Clerk's Office
1205 Texas Avenue, Room C-221
Lubbock, TX 79401

UNITS in LUBBOCK DIVISION:

- 1. DANIEL UNIT
SNYDER, TX
- 2. MONTFORD UNIT
LUBBOCK, TX
- 3. RUDD UNIT
BROWNFIELD, TX
- 4. SMITH UNIT
LAMESA, TX
- 5. WHEELER UNIT
PLAINVIEW, TX

SAN ANGELO DIVISION:

U. S. District Clerk's Office
202 Federal Building
33 E. Twohig
San Angelo, TX 76903

UNITS in SAN ANGELO DIVISION:

- 1. HAVINS UNIT
BROWNWOOD, TX

WICHITA FALLS DIVISION:

U. S. District Clerk's Office
P O Box 1234
Wichita Falls, TX 76307

UNITS in WICHITA FALLS DIVISION:

- 1. ALLRED UNIT
IOWA PARK, TX

VENUE LIST

SOUTHERN DISTRICT OF TEXAS

BROWNSVILLE DIVISION:

U.S. District Clerk's Office
P O Box 2299
Brownsville, TX 78520

UNITS in BROWNSVILLE DIVISION:

1. LOPEZ STATE JAIL
EDINBERG, TX
2. SEGOVIA UNIT
EDINBERG, TX
3. WILLACY COUNTY STATE JAIL
RAYMONDVILLE, TX

CORPUS CHRISTI DIVISION:

U. S. District Clerk's Office
521 Starr Street, Room 101
Corpus Christi, TX 78401

UNITS in CORPUS CHRISTI DIVISION:

1. GARZA-EAST UNIT
BEEVILLE, TX
2. GARZA-WEST UNIT
BEEVILLE, TX
3. GLOSSBRENNER UNIT
SAN DIEGO, TX
4. McCONNELL UNIT
BEEVILLE, TX

LAREDO DIVISION:

U. S. District Clerk's Office
P O Box 597
Larado, TX 78040-0597

UNITS in LAREDO DIVISION:

1. COTULLA UNIT
COTULLA, TX

GALVESTON DIVISION:

U. S. District Clerk's Office
P O Box 2300
Galveston, TX 77553

UNITS in GALVESTON DIVISION:

1. CLEMENS UNIT
BRAZORIA, TX
2. DARRINGTON UNIT
ROSHARON, TX
3. HOPSITAL GALVESTON UNIT
GALVESTON, TX
4. RAMSEY I UNIT
ROSHARON, TX
5. RAMSEY II UNIT
ROSHARON, TX
6. RAMSEY III UNIT
ROSHARON, TX
7. RETRIEVE UNIT
ROSHARON, TX
8. SOUTHERN REGION MEDICAL UNIT
TEXAS CITY, TX

SOUTHERN DISTRICT OF TEXAS
CONTINUED ON NEXT PAGE

VENUE LIST

SOUTHERN DISTRICT OF TEXAS (CONTINUED)

HOUSTON DIVISION:

U. S. District Clerk's Office
515 Rusk Avenue
P O Box 61010
Houston, TX 77208

UNITS in HOUSTON DIVISION:

1. ATASCOCITA STATE JAIL
HUMBLE, TX
2. CENTRAL UNIT
SUGARLAND, TX
3. DIAGNOSTIC UNIT
HUNTSVILLE, TX
4. ELLIS I UNIT
HUNTSVILLE, TX
5. ESTELLE UNIT
HUNTSVILLE, TX
6. FERGUSON UNIT
MIDWAY, TX
7. GOREE UNIT
HUNTSVILLE, TX
8. HAMILTON UNIT
BRYAN, TX
9. HOLLIDAY UNIT
HUNTSVILLE, TX
9. HUNTSVILLE (WALLS) UNIT
HUNTSVILLE, TX
10. JESTER I UNIT
RICHMOND, TX
11. JESTER II UNIT
RICHMOND, TX
12. JESTER III UNIT
RICHMOND, TX
13. JESTER IV UNIT
RICHMOND, TX
14. LUTHER UNIT
NAVASOTA, TX

15. PACK UNIT
NAVASOTA, TX

16. THE TEXAS HOUSE, INC.
HOUSTON, TX

17. WYNNE UNIT
HUNTSVILLE, TX

VICTORIA DIVISION:

U. S. District Clerk's Office
P O Box 1541
Victoria, TX 77901

UNITS in VICTORIA DIVISION:

1. STEVENSON UNIT
CUERO, TX