



Filing a Federal Civil Rights Complaint from Prison

Prepared by **Uptown People's Law Center** (updated March 2025)

Note: This packet will help you understand the steps to filing a civil rights complaint in federal court. This is basic legal information and not specific legal advice. Let us know if you have questions or suggestions for us to improve this resource.

FIRST: File a Grievance

Before you file a lawsuit, you **MUST** finish the grievance process, including appealing to the Administrative Review Board. If you don't, the judge will dismiss your case.

Once you finish the grievance process, you are ready to file a complaint in federal court. This guide will tell you how to fill out all the documents you need.

Federal civil rights lawsuits (also known as 1983 lawsuits) are often about use of force, medical care, mental health care, length of solitary confinement, freedom of religion, and discrimination. Most of these rights are protected by the United States Constitution. Federal courts will **NOT** review or adjust your IDOC security level. There are different forms for challenging your conviction or sentence—this guide does not apply to those cases!

To start a federal case, mail the court each of the following documents in **one envelope**. This guide will walk you through these three documents.

1. **Complaint form.** One copy only—but keep another copy for yourself. See page 2.
2. **Filing fee.**
 - a. Either include the \$405 filing fee OR *In forma pauperis* form (signed by IDOC trust fund officer) AND a copy of your IDOC trust fund account statements from the past 6 months. See page 3.
3. **Notice to defendants** that they have been sued.
 - a. In the Northern and Central District, include one USM-285 form for each defendant. In the Southern District, the court will do this for you. See page 4.

Pro Tips

- Write neatly in black or blue pen. The court will scan your complaint form into their computer. Your writing needs to be clear and dark enough for the judge to read it.
- Do not send in any physical evidence.
- If you need more room, attach another piece of paper to your complaint form. Add page numbers. If you write on the back of an old document, cross out the old document so the court knows which pages to read.

1. Complaint Form

- The top of the complaint form asks for the names of the plaintiff and defendants. The **plaintiff** is the person who is filing the lawsuit (you). The **defendant** is the person that you are suing. Include the names of all prison staff who were involved.
 - If you do not know someone's name or badge number, write "unknown officer." Include specific facts in the statement of claim to help the court figure out who the person was. For example, include the date and time of the incident and which unit it happened in.
- Where the form asks for the **case number**, leave the line blank. The court clerk will write in a case number after you submit your complaint form.
- In the first set of checkboxes, mark what legal basis the lawsuit has. If you do not know which box to check, leave them blank. Most cases will be one of the following:
 - If your rights were violated in state prison or county jail, check the box that says Title 42 Section 1983 of the U.S. Code (or 42 U.S.C. §1983).
 - If your rights were violated in federal prison, check the box that says "*Bivens*" Action under Title 28 Section 1331(a) of the U.S. Code (28 U.S.C. § 1331(a)).
- In the section that says "**Statement of Claim**," do the following:
 - Write the important facts in the order that they happened. Write what happened and how you were harmed. Include details like dates, names, and places. Talk about how each defendant was involved in the events you describe.
 - Keep this section concise. The court wants a "short and plain statement."
 - Write in your own words. You do not need to sound like a lawyer. You should not cite any cases or make any legal arguments. Focus on the facts.
- The last section is "**Relief Requested**." There are three types of relief. You can list any or all of these in this section.
 - *Compensatory damages*. The court orders the defendant to pay you for the harm that you suffered.
 - *Punitive damages*. This is money awarded beyond what you personally suffered. It is meant to make sure defendants do not do the same thing again.
 - *Injunctive relief*. The court orders the defendant to do something (or to stop doing something). The court order is called an injunction. Tell the court what you want the defendant to do (or stop doing).
- Check the box "Yes" to **request a jury hearing**. If you don't ask for a jury in the complaint, you may not be able to ask for one later. You can always agree to give up your right to a jury trial later.

2. Filing Fee.

You will **always** need to pay a filing fee. You owe the court the filing fee at the time you submit your complaint. You can either pay \$405 now or \$350 in a payment plan.

- If you can afford the filing fee, **submit a \$405 money order** with your complaint.
- If you can't afford the \$405 filing fee, you can ask for a payment plan by submitting a ***motion in forma pauperis*** (Latin for "as a poor person") with your complaint. Each court has a different form for this. The form is called something like "Application to Proceed Without Prepaying Fees or Costs."
 - Ask the IDOC trust fund officer to fill out the "certificate" section of the form. You also must attach a copy of your IDOC trust fund account statement from the past 6 months (see below for more details).
 - If your motion is approved, your case will go forward without you having to pay the full filing fee upfront. However, you will still be required to pay \$350 because of rules in the Prison Litigation Reform Act.
 - If you have no funds in your account when you file your lawsuit, you will have to pay when you do get funds. The court will automatically take money out of your wages or IDOC trust account.
 - The judge may order you to pay an initial fee based on how much money is in your trust account. The court will create a payment plan for you.
 - If your motion is denied, you must pay the entire \$405. If you do not, the judge will dismiss your case for non-payment, and you will still owe \$405.
 - You may not be eligible for a payment plan if you have had three cases dismissed (Three Strikes Rule).
- Note: **you will not get a refund** if your case is dismissed or if you withdraw it.
- If you file multiple cases, you will have to pay multiple installment plans at the same time. If there are multiple plaintiffs, each plaintiff has to pay a separate filing fee.

How Do I Request a Trust Fund Account Statement?

There are two ways. In some prisons, you can fill out a request slip for the account statement. Otherwise, send a letter through the institutional mail to the Trust Fund Officer. In that letter, ask for a copy of your trust fund account statement for the past 6 months.

3. Notice to Defendants. (Note: the Southern District does this step for you!)

- Once you file a complaint, someone needs to tell the defendants that you sued them. There are two possibilities, so read the judge's instructions carefully.
- With your complaint, include a separate USM-285 form for each defendant. This form is called a "Process Receipt and Return."
 - The form says to make 5 copies. Ignore this. Make one copy for each defendant.
 - Fill out the top part of the form only. Write your name as the Plaintiff, the name of one Defendant, and the Defendant's address (or the IDOC facility address). Leave the case number blank. Under "type of process," write "service."
- The United States Marshal uses the USM-285 to deliver a copy of your complaint to each of the defendants. This lets them know that they have been sued.
 - After the judge reads your complaint, they may order the Marshal to serve the USM-285 form on the defendants.
 - The judge may order you to pay a fee for this service. It costs \$8 to serve by mail and \$65 to serve in person for each defendant. Service is usually by mail.
- The judge may instruct you to serve the defendants on your own. If they do, you will need to mail a form called a "waiver of service of process" to the prison litigation coordinator, who will give it to the defendants. Also include a copy of your complaint.
 - Contact the court for a copy of this form.
 - You must mail this form **within 90 days** of filing your complaint, or your case could be dismissed.

How to Submit the Complaint Materials

Ask your law library if they will scan your complaint and send it to the court for you. Most law libraries do this, but some do not.

- If the law library scans in your complaint, they will give you a confirmation.
- If they do not scan your complaint, you will need to submit your complaint by mail. We recommend certified mail, so you get confirmation that it arrived.
 - If you want your complaint form back with a court stamp on it, send the court an extra copy. If you can, include a stamped envelope addressed to you.
 - You can also send a request to the court for copies of any documents that you file. They charge 50 cents per page.

What if I Need a Lawyer to Help?

- At any time during your case, you can file a “motion for attorney representation.” This is where you ask the court to appoint a lawyer to take your case. It is up to the judge to decide whether to appoint a lawyer. Ask the court for a copy of this form.
 - Before you file this, you have to contact three different attorneys or organizations asking for legal representation. Attach these letters to the motion,
 - If you do not get a response from the attorneys, tell the court who you contacted. Attach any money vouchers you used as proof that you sent letters asking for help.

What Happens Next?

- After you file your case, you will get an order from the court. There is no real deadline for this order, and it could take up to a year to get it. The order describes which parts of your complaint will be filed. It may have important dates and deadlines. It will also tell you how much money you owe. Read this order carefully and follow all instructions.
- After you submit these initial documents, your lawsuit is only just started. You may want to do some research early so you know what’s coming next.
 - You may want to read the Local Rules for the court, the Federal Rules of Civil Procedure, and the Federal Rules of Evidence. How to get them:
 - Ask the prison law library.
 - Search them online for free (ask a loved one to print them for you).
 - Purchase them from the court. Send a letter to the court asking for a copy.
 - Other resources you can request or purchase:

<p>Each court has a “<i>pro se</i> litigant guide” which you can request by mail. See page 6 for court addresses.</p>	<p>John Boston: <i>Prisoners Self-Help Litigation Manual, 4th Edition</i> (\$69.95)</p> <p>Prison Legal News P.O. Box 1151 Lake Worth, FL 33460</p>	<p><i>Prison Legal News</i> (12 month subscription is \$30)</p> <p>P.O. Box 1151 Lake Worth, FL 33460</p>
<p>Southern Poverty Law Center: <i>Protecting Your Health & Safety</i> (\$16)</p> <p>Prison Legal News P.O. Box 1151 Lake Worth, FL 33460</p>	<p><i>The Jailhouse Lawyer’s Handbook.</i> (Free!)</p> <p>The Center for Constitutional Rights 666 Broadway, 7th Floor New York, NY 10012</p> <p>*This is available online for free at jailhouselaw.org</p>	<p>Columbia University: <i>Jailhouse Lawyers Manual</i> (\$30)</p> <p>Columbia Human Rights Law Review, Attn: JLM Order 435 W. 116th St. New York, NY 10027</p> <p>*This is available online for free.</p>

Which Federal Court Will Hear My Case?

Each IDOC prison is in one federal court district. The district that will hear your case depends on the **prison where most of the events in your complaint happened**. See this chart for where to file.

IDOC Facility	U.S. District Court and Address
<ul style="list-style-type: none"> • Crossroads Adult Transition Center (ATC) • Fox Valley ATC • Joliet Treatment Center • North Lawndale ATC • Sheridan Correctional Center (CC) • Stateville CC 	<p>Northern District of Illinois—Eastern Division 219 South Dearborn St. Chicago, IL 60604</p>
<ul style="list-style-type: none"> • Dixon CC 	<p>Northern District of Illinois—Western Division 327 South Church St. Rockford, IL 61101</p>
<ul style="list-style-type: none"> • East Moline CC • Hill CC • Kewanee Life Skills Reentry Center 	<p>Central District of Illinois--Rock Island Division 322 16th St., Suite 200A Rock Island, IL 61201</p>
<ul style="list-style-type: none"> • Illinois River CC • Pontiac CC • Peoria ATC 	<p>Central District of IL - Peoria Division 100 N.E. Monroe St., Room 309 Peoria, IL 61602</p>
<ul style="list-style-type: none"> • Danville CC • Decatur CC 	<p>Central District of IL - Urbana Division 201 S. Vine St., Room 218 Urbana, IL 61802</p>
<ul style="list-style-type: none"> • Graham CC • Jacksonville CC • Lincoln CC • Logan CC • Taylorville CC • Western CC 	<p>Central District of IL - Springfield Division 600 E. Monroe St., Room 151 Springfield, IL 62701</p>
<ul style="list-style-type: none"> • Big Muddy River CC • Lawrence CC • Murphysboro Reentry Center • Pinckneyville CC • Robinson CC • Shawnee CC • Vienna CC 	<p>Southern District of Illinois—Benton Division 301 West Main St. Benton, IL 62812</p>
<ul style="list-style-type: none"> • Centralia CC • Menard CC • Southwestern CC • Vandalia CC 	<p>Southern District of Illinois—East St. Louis Division 750 Missouri Ave. East Saint Louis, IL 62201</p>