



Filing a Federal Civil Rights Complaint from Prison

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

Note: This packet contains general legal information, not legal advice specific to your situation. Contact us at 4413 N. Sheridan Rd., Chicago IL 60613 if you have suggestions for this guide.

How to Get Started. Before you file a lawsuit, you *must* complete the grievance process, including appealing to the ARB. If you don't, the judge will dismiss your case. Once you receive a response from the ARB, you are ready to file a complaint.

Common topics. Federal civil rights lawsuits are often about medical care, mental health care, use of force, time in solitary confinement, religious freedoms, and discrimination. Most of these rights are protected by the United States Constitution. Federal courts will *not* review or adjust your IDOC security level.

Habeas corpus. There are different forms to challenge your conviction or sentence. Those forms are called a petition for writ of habeas corpus, or just "habeas". 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. You can get these documents from the law library or mail the court for a copy.

1. **Complaint form.** One copy only—but keep another copy for yourself.
2. **Filing fee.** \$405 filing fee OR a motion *In forma pauperis* and a copy of your IDOC trust fund account statements from the past 6 months.
3. **Notice to defendants** that they have been sued. In the Northern and Central Districts, include one USM-285 form for each defendant. The Southern District does this step for you. (See page 6 to figure out your district)

Avoid These Common Issues

- 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 scan.
- 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

Plaintiff is the person who is filing the lawsuit (write your name on the line).

Defendant is the person you are suing. Include the names of all prison staff who were involved.

Note: 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.

Case number. Leave this line blank. The court clerk will write in a case number.

Checkboxes. In the first set of checkboxes, you will mark what legal basis the lawsuit has. 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*, there are two options. If you are requesting injunctive relief, check the box that says "*Bivens*" under Title 28 Section 1331(a) of the U.S. Code (28 U.S.C. § 1331(a)). If you are requesting money damages, also check the Federal Tort Claims Act box.

Statement of Claim. This is your chance tell your story of what happened. Use the same information you submitted in your grievance.

- Write the important facts in order. Explain how you were harmed. Talk about how each defendant was involved. Include dates, names, and places.
- Keep this section brief. 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 legal arguments. Focus on the facts.

Relief Requested. This is what you want the court to do. You can ask for any or all of the following:

- *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.

Jury Hearing. Check the box "Yes" to request a jury hearing. If you don't ask for a jury on the complaint form, 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 owe the court a filing fee when you submit a complaint. You *always* need to pay a filing fee. You can either pay \$405 now or in court-ordered installments.

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.

If you can afford the \$405 filing fee:	If you can't afford the \$450 filing fee:
Submit a \$405 money order with your complaint.	Ask for a payment plan by sending a motion <i>in forma pauperis</i> to the court. Each court has a different form. The form is called something like "Application to Proceed Without Prepaying Fees."
	Make sure the Trust Fund Officer fills out the "certificate" section of the <i>in forma pauperis</i> form. Attach a copy of your IDOC trust fund account statement from the past 6 months.

How to Request a Trust Fund Account Statement: Either

- fill out a request slip for the account statement, or
- send a letter through institutional mail to the Trust Fund Officer. In the letter, ask for a copy of your IDOC account statement for the past 6 months.

If your motion is denied:	If your motion is approved:
<p>You must pay the \$405 filing fee by the court's deadline.</p> <p>If you do not pay the filing fee, the judge will dismiss your case. You will still owe the court \$405. They will automatically take this money from your trust account.</p>	<p>Your case will go forward.</p> <p>The court may order you to pay part of the initial filing fee upfront.</p> <p>The court will order you to pay the rest of the filing fee in installments. The court will work out a payment plan based on your trust account history.</p>
Note: You may not be eligible for a payment plan if you have had three cases dismissed (Three Strikes Rule).	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 trust account.

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.

What is the USM-285 Form? The United States Marshal uses the USM-285 to give a copy of your complaint to each of the defendants. This tells the defendants 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 (this is common) and \$65 to serve in person for each defendant.

How to Use a USM-285 Form: 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."

How to Use Service of Process: The judge may instruct you to serve the defendants on your own. If they do, mail a form called a "waiver of service of process" to the prison litigation coordinator, who will give it to the defendants. Include a copy of your complaint. You can get the form from the court or law library.

- Important: 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 cannot scan your complaint, you will need to submit it to the court through the mail. We recommend certified mail, so you get confirmation that it arrived.

Getting copies of submitted materials. If you want your complaint form back with a court stamp, 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 for copies.

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 motion, you have to contact three different attorneys or organizations asking for legal representation. Attach a copy of the letters that you sent or received to the motion.

If you do not get a response from the attorneys, tell the court who you contacted. You can attach any money vouchers you used as proof that you sent the letters.

What Happens Next?

After you file your case, you will get an **order from the court with next steps**. There is no deadline for this order (it could take up to a year). The order describes which parts of your complaint will be filed. It lists important deadlines and tells you how much money you owe. Read this order carefully and follow its instructions.

When you submit the initial documents in your case, your lawsuit is only just started. You may want to do some research early so you know what happens 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 asking for a copy.
- Other resources you can request or purchase:

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

Which Federal Court Will Hear My Case? Each IDOC facility is in one federal court district. The district that will hear your case is based on the **prison where most of the events in your complaint happened**. See this chart for corresponding courts and IDOC facilities.

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