

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

**INSTRUCTIONS FOR FILING COMPLAINT UNDER
28 U.S.C. § 1331 or BIVENS V. SIX UNKNOWN NAMED AGENTS
OF THE FEDERAL BUREAU OF NARCOTICS, 403 U.S. 388 (1971)
BY PERSONS CONFINED IN CORRECTIONAL FACILITIES**

1. This complaint must be legibly handwritten or typewritten and signed by the plaintiff. Any false statement of material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
2. In order for this complaint to be filed, it must be accompanied by the filing fee of \$350.00 28 U.S.C. § 1914(a) and a \$52.00 administrative fee. If you do not have the necessary filing fee, you may request permission to proceed *in forma pauperis*.
3. When these forms are complete, they must be mailed to the Clerk of the United States District Court for the Eastern District of Virginia. The address is listed below:

United States District Court
Eastern District of Virginia
701 East Broad Street
Suite 3000
Richmond, Virginia 23219

4. Complaints that do not conform to these instructions will be returned with a notation as to the deficiency.
5. ALL COPIES OF THE COMPLAINT MUST BE IDENTICAL. DO NOT MAIL THE FORMS TO A SPECIFIC JUDGE.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

**COMPLAINT UNDER 28 U.S.C. § 1331 or
BIVENS V. SIX UNKNOWN NAMED AGENTS**

Action Number _____
(To be supplied by the Clerk, U.S. District Court)

Please fill out this Complaint completely. The Court needs the information requested in order to assure that your Complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

1. (a) _____ (b) _____
(Name) (Inmate Number)

(c) _____
(Address)

(City, State, Zip)

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If Plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under color of federal law are proper defendants under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). Private parties such as attorneys and other inmates may not be sued under Bivens. In addition, liability under Bivens requires personal action by the defendant that caused you harm. Normally, the Director of the Bureau of Prisons and wardens are not liable just because they supervise persons who may have violated your rights. In addition, prisons and departments within an institution are not persons under Bivens.

B. Defendant(s):

1. (a) _____ (b) _____
(Name) (Title/Job Description)

(c) _____
(Address)

(City, State, Zip)

2. (a) _____ (b) _____
(Name) (Title/Job Description)
- (c) _____
(Address)
- _____
(City, State, Zip)
3. (a) _____ (b) _____
(Name) (Title/Job Description)
- (c) _____
(Address)
- _____
(City, State, Zip)

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment?
- Yes ☐ No ☐
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.
1. Parties to previous lawsuit:
- Plaintiff(s) _____
- _____
- Defendant(s) _____
- _____
2. Court (if federal court, name the district; if state court, name the county):
- _____
3. Date lawsuit filed: _____

4. Docket number: _____
5. Name of Judge to whom case was assigned:

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?):

7. Date of disposition: _____

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place?

B. Does the institution listed in "A" have a grievance procedure?

Yes ☐ No ☐

C. If your answer to "B" is YES:

1. Did you file a grievance based on this complaint? Yes ☐ No ☐

2. If so, where and when: _____

3. What was the result? _____

4. Did you appeal? Yes ☐ No ☐

5. Result of appeal: _____

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities?

Yes ☐ No ☐

1. If your answer is "Yes", what steps did you take? _____

2. If your answer is "No", explain why you did not submit your complaint to the prison authorities:

STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

IV. RELIEF

I understand that in a Bivens action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. _____ (please initial)

The Plaintiff wants the Court to: (check those remedies you seek)

- ☐ Award money damages in the amount of \$ _____
- ☐ Grant injunctive relief: _____
- ☐ Grant declaratory relief: _____
- ☐ Other: _____

V. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months preceding the submission of this Complaint. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

VI. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a jury or court trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge:
You may consent at any time; however, any early consent is encouraged.

Yes ☐ No ☐

VII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this _____ day of _____, 20____.

Plaintiff _____
