

20-3432

SECT. J MAG. 3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA



NOTICE OF DEFICIENT FILING

ERROL VICTOR SR., #14188
Nelson Coleman Correctional Center
5061 Highway 3127
Killona, LA 70057

12/22/20

DEFICIENT

SUBJECT: Complaint



Your document titled, **Complaint For Damages, Declaratory Judgment And For Preliminary Injunction**, has been received but is deficient as noted below:

1. The Clerk's Office is unable to provide you with the information you are requesting.
Therefore, your document is being returned to you.
2. The Court is unable to act on the subject matter of your letter except in the context of a formal lawsuit.
Therefore, your document is being returned to you.
3. The Clerk's Office is unable to provide legal advice to individuals on how to proceed with a lawsuit.
Therefore, your document is being returned to you.
4. The records of this Court do not show that there is any pending case related to you at this time.
Therefore, your document is being returned to you.
5. Your document appears intended for a different court.
Therefore, your document is being returned to you.
6. You should not correspond directly with the Magistrate Judge or District Judge about your lawsuit. All pleadings and correspondence should be addressed to the Clerk of Court.
Therefore, your document is being returned to you. You must adhere to this rule in any future filings.
7. All pleadings and other papers filed must be on 8½" x 11" paper, double spaced, and legibly handwritten or typed. If the document consists of more than two (2) pages, each page of the document must bear a sequential number, beginning with "2" for the second page. Standard font must be used. The Court may refuse to consider text presented in less than standard font, such as small or fine typeface. All margins must be no less on 1". No print or writing may appear in the margins. See Local Rule 10.1.
You must adhere to this rule in any future filings.

X 8.

The clerk is not required to file any document or render any service for which a fee is legally collectible unless the fee for the service has been paid in advance. The plaintiff has 21 days from the date of this notice to submit \$402.00 for the cost of filing a civil complaint. If the plaintiff cannot afford the filing fee, the plaintiff must ask the Court to proceed as a pauper. A form for this purpose is attached. Please submit the filing fee or return the completed form within 21 calendar days from the date of this letter.

If you are incarcerated and are applying for pauper status you must submit a certified copy of your trust fund account statement or the institutional equivalent for the 6-month period immediately preceding the filing of the complaint, habeas corpus or notice of appeal obtained from the appropriate official of each prison at which you are or were confined.

9. The clerk is not required to file any document or render any service for which a fee is legally collectible unless the fee for the service has been paid in advance. The plaintiff has 21 days from the date of this notice to submit \$5.00 for filing a petition for habeas relief and habeas related mandamus. If the plaintiff cannot afford the filing fee, the plaintiff must ask the Court to proceed as a pauper. A form for this purpose is attached. Please submit the filing fee or return the completed form within 21 calendar days from the date of this letter.

X 10.

A writ of habeas corpus submitted by a person in state custody, a § 1983 prisoner suit, a motion to vacate, and a request for pauper status all should be submitted on an approved form. These forms have been enclosed for your convenience.

Please return the completed forms within 21 calendar days from the date of this letter.

11. The cost of filing an appeal is \$505.00. If you apply for pauper status when bringing an appeal, you must submit an affidavit that includes a statement of all assets you possess and that you are unable to pay the fee. This form has been enclosed for your convenience. Please submit the filing fee or return the completed form within 21 calendar days from the date of this letter.

If you are incarcerated and are applying for pauper status you must submit a certified copy of your trust fund account statement or the institutional equivalent for the 6-month period immediately preceding the filing of the complaint, habeas corpus or notice of appeal obtained from the appropriate official of each prison at which you are or were confined.

- _____ 12. Every paper filed, after the complaint, must bear the name of this Court, the title, docket number, section, and magistrate judge number. See Local Rule 10.1.
Please return the completed form within 21 calendar days from the date of this letter.
- _____ 13. A complaint, affidavit or other pleading submitted to the Clerk for filing must bear an original signature. A copy is not sufficient. See Local Rule 11.1.
Please return the completed form within 21 calendar days from the date of this letter.
- _____ 14. The filer's name, address, and telephone number shall be typed or printed below the signature. See Local Rule 11.1.
Please return the completed form within 21 calendar days from the date of this letter.
- _____ 15. The complaint and any other pleading must be signed by the filer personally unless filer is represented by a member of the bar of this Court. If the filer is represented, pleadings must be signed and submitted by counsel. See Local Rule 11.1.
Please return the completed form within 21 calendar days from the date of this letter.
- _____ 16. The names of all parties must be listed on the front of your complaint. Do not use "ET AL."
Please return the completed form within 21 calendar days from the date of this letter.
- _____ 17. Every pleading shall bear a certificate by the party who files it that copies have been served on all parties or their counsel of record by hand or by mail. See Local Rule 5.4.
You must adhere to this rule in any future filings.
- _____ 18. Parties filing a motion shall, at the time of filing, notice it for submission. See Local Rule 7.2.
Please return the completed form within 21 calendar days from the date printed at the top of this letter.
- _____ 19. Except as noted in Local Rule 7.3, all motions shall be accompanied by a memorandum in support. See Local Rule 7.4. **Please return the completed form within 21 calendar days from the date of this letter.**
- _____ 20. Pleadings may not be supplemented without permission of the Court. See Local Rule 7.4.
Please provide the motion for leave to supplement and return the document within 21 calendar days of the date of this letter.

- ____ 21. Consent or ex parte motions, which need not be noticed for submission, shall be accompanied by a proposed order. See Local Rule 7.3.
Please provide the proposed order and return the document within 21 calendar days of the date of this letter.
- ____ 22. Once an answer has been filed, a complaint may not be amended or supplemented without permission of the Court. See Local Rule 7.6.
Please provide the motion for leave to amend or supplement the complaint and return the document within 21 calendar days of the date of this letter.
- ____ 23. Discovery requests and responses thereto must not be filed until they are used in a proceeding before the Court or until the Court grants an order allowing the filing of the document. Federal Rule of Civil Procedure 5(d).
Therefore, your document is being returned to you.
- ____ 24. 28 U.S.C. § 1654 precludes a corporation from appearing through a lay person. A corporation must be represented by an attorney qualified to practice before this Court.
Therefore, your document is being returned to you.
- ____ 25. The record of this matter reflects you are represented by counsel. All pleadings regarding this case must be filed through your counsel of record. All future inquires and correspondence regarding this case should be directed to your attorney of record.
You must adhere to this rule in any future filings.
- ____ 26. The Clerk's office is unable to provide you with free copies without an order of the Court. Copies are available at the cost of 50 cents per page. The copies which you requested consist of [Click here to enter text.](#) pages, therefore, the cost of the copies you requested is [Click here to enter text.](#)
You must remit payment before copies can be provided.
- ____ 27. This office is unable to provide transcripts to individuals free of cost unless so ordered by the Court. You may contact the court reporter at the address listed below to make the necessary financial arrangements.
- ____ 28. OTHER:

If you have been instructed to provide additional information, please act immediately, and provide the required documents within the time frame indicated above; otherwise, a judicial officer will be notified of your failure to comply.



CAROL L. MICHEL
CLERK OF COURT

A handwritten signature in black ink, appearing to be 'C. Kelly', written over the typed name.

By: C. Kelly
Deputy Clerk



Respond to:
Clerk, U.S. District Court
500 Poydras Street
Room C-151
New Orleans, LA 70130

Rev. 1/3/2020

UNITED STATES DISTRICT COURT
Eastern District of Louisiana

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

20-3432
SECT. J MAG. 3

Plaintiff

V.

Defendant

CASE NUMBER:

I, _____, declare that I am the (check appropriate box)

[] petitioner/plaintiff/movant [] other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? [] Yes [] No (If "No," go to Part 2)

If "Yes," state the place of your incarceration _____

Are you employed at the institution? _____ Do you receive any payment from the _____

Have the institution certify the Statement of Account portion of this affidavit or attach a certified ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? [] Yes [] No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment [] Yes [] No
b. Rent payments, interest or dividends [] Yes [] No
c. Pensions, annuities or life insurance payments [] Yes [] No
d. Disability or workers compensation payments [] Yes [] No
e. Gifts or inheritances [] Yes [] No
f. Any other sources [] Yes [] No

If the answer to any of the above is "Yes", describe each source of money and state the amount received and what you expect you will continue to receive.

4. Do you have any cash or checking or savings accounts? Yes No

If "Yes," state the total amount. _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? Yes No

If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

<u>Name</u>	<u>Relationship</u>	<u>Amount Contributed for Support</u>
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I declare under penalty of perjury that the above information is true and correct.

Date	Signature of Applicant
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STATEMENT OF ACCOUNT
 (Certified Institutional Equivalent)
 (To be completed by the institution of incarceration)

I hereby certify that this inmate, _____, has a present inmate account balance of _____ at the _____ institution. I further certify \$ _____

that the average monthly deposits for the preceding six months is \$ _____

(The average monthly deposits are to be determined by adding the deposits made during a given month and dividing the total by the number of deposits made during that month. This is repeated for each of the six months. The average from each of the six months are to be added together and the total is divided by six).

I further certify that the average monthly balance for the prior six months is \$ _____

(The average monthly balance is to be determined by adding each day's balance for a given month and dividing that total by the number of days in that month. This is to be repeated for each of the six prior months. The balance from each of the six months are to be added together and the total is to be divided by six).

Date Certified	Authorized Officer of Institution
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FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

Print the full name (first - middle - last) and
prisoner number of the plaintiff in this action.

versus

Print the full name of all defendants in this
action.
DO NOT WRITE *et al.*

CIVIL ACTION

NO.

20-3432

SECTION

SECT. J MAG. 3

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?
Yes () No ()

B. If your answer to A is "yes", describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit

Plaintiffs _____

Defendants _____

2. Court (If federal court, name of the district court; if state court, name the parish.)

3. Docket Number _____

4. Name of judge to whom case was assigned _____

5. Disposition (For example: Was this case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

C. Have you had any previously filed federal lawsuits or appeals, whether or not related to the issues raised in this complaint, which have been dismissed as frivolous, malicious, or for failure to state a claim for which relief can be granted by any federal court?

Yes () No ()

If your answer is "yes", list the civil action numbers and the disposition of each case. You also must identify in which federal district or appellate court the action was brought.

II. PLACE OF PRESENT CONFINEMENT: _____

A. Is there a prisoner grievance procedure in this institution?

Yes () No ()

B. Did you present the facts relating to this complaint in the prisoner grievance procedure? Yes

() No ()

C. If your answer is "yes",

1. Attach a copy of all administrative complaints you have filed regarding the claims raised in this lawsuit and copies of all prison responses. If copies are not available, list the number assigned to the complaint(s) and approximate date it was presented to the prison. _____

2. As to each grievance compliant provided or listed above, have you exhausted or completed all steps in the procedure, including appeals? _____

D. If your answer is NO, explain why you have not done so: _____

III. Parties

(In item A below, complete the following information. Do the same for additional plaintiffs, if any.)

A. Full Name of Plaintiff
(First - Middle - Last) _____

Prisoner Number _____

Address _____

Date of Birth _____

Date of Arrest _____

Date of Conviction _____

IMPORTANT: In the space provided below, place the full name of each defendant named in the caption, his or her official position, place of employment, and service address. If you have sued more than one defendant, provide this same information for every defendant you have named. Please attach an additional sheet, if necessary. **The parties listed below must be exactly the same as those listed in your caption.**

B. Defendant _____ is employed as _____
_____ at _____

Address for service: _____

C. Defendant _____ is employed as _____
_____ at _____

Address for service: _____

D. Defendant _____ is employed as _____
_____ at _____

Address for service: _____

E. Defendant _____ is employed as _____
_____ at _____

Address for service: _____

F. Defendant _____ is employed as _____
_____ at _____

Address for service: _____

G. Defendant _____ is employed as _____
_____ at _____

Address for service: _____

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do 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. Use as much space as you need. Attach extra sheet if necessary.)

V. Relief

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

VI. Plaintiff's Declaration

- 1) I declare under penalty of perjury that all facts represented in this complaint and any attachments hereto are true and correct.
- 2) I understand that if I am released or transferred, it is my responsibility to keep the Court informed of my whereabouts and failure to do so may result in this action being dismissed with prejudice.
- 3) I understand that I am prohibited from bringing a civil action in forma pauperis if I have brought three or more civil actions in a court of the United States while incarcerated or detained in any facility that were dismissed on the grounds that 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.
- 4) I understand that even if I am allowed to proceed in forma pauperis, I am responsible for paying the entire \$400.00 filing fee and any costs assessed by the Court, which shall be deducted from my inmate account by my custodian in installment payments as prescribed by law.

Signed this _____ day of _____, 20_____.

(Signature of Plaintiff)

III. A (continued) - ADDITIONAL PLAINTIFFS In Re: _____

(Complete the information below for each additional plaintiff. Each additional plaintiff must read plaintiffs' declaration below and personally sign.)

Plaintiff's Declaration

- 1) I declare under penalty of perjury that all facts represented in this complaint and any attachments hereto are true and correct.
- 2) I understand that if I am released or transferred, it is my responsibility to keep the Court informed of my whereabouts and failure to do so may result in this action being dismissed with prejudice.
- 3) I understand that I am prohibited from bringing a civil action in forma pauperis if I have brought three or more civil actions in a court of the United States while incarcerated or detained in any facility that were dismissed on the grounds that 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.
- 4) I understand that even if I am allowed to proceed in forma pauperis, I am responsible for paying the entire \$400.00 filing fee and any costs assessed by the Court, which shall be deducted from my inmate account by my custodian in installment payments as prescribed by law.

Full Name of Plaintiff
(First - Middle - Last) _____
Prisoner Number _____
Address _____
Date of Birth _____
Date of Arrest _____
Date of Conviction _____
Signature _____

Full Name of Plaintiff
(First - Middle - Last) _____
Prisoner Number _____
Address _____
Date of Birth _____
Date of Arrest _____
Date of Conviction _____
Signature _____

Full Name of Plaintiff
(First - Middle - Last) _____
Prisoner Number _____
Address _____
Date of Birth _____
Date of Arrest _____
Date of Conviction _____
Signature _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

NOTICE TO PRO SE PETITIONERS IN CUSTODY

Instructions for filing a complaint under the Civil Rights Act, 42 U.S.C. § 1983.

If you are filing, or plan to file, a complaint in this court, please be advised that:

1. **The law requires that you pay the cost of filing a complaint, which is \$402.00. If you cannot pay this amount in its entirety, you may ask the court to allow you to proceed as a pauper. HOWEVER, EVEN IF YOU ARE ALLOWED TO BRING A CIVIL ACTION AS A PAUPER, YOU ARE STILL REQUIRED TO PAY THE FULL AMOUNT OF THE FILING FEE. The court will assess and, when funds exist, collect, as partial payment of any court fees, an initial partial filing fee of 20 percent of the greater of 1) the average monthly deposits to your account or 2) the average monthly balance in your account for the 6-month period immediately preceding the filing of the complaint. After payment of the initial filing fee, you are required to make monthly payments of 20 percent of the preceding month's income credited to your account. The agency having custody of you shall withhold and forward payments from your account to the clerk of the court until the filing fee is paid in full.**
An application to proceed as a pauper is attached to the complaint form. In addition, if you apply for pauper status, you must submit a certified copy of your inmate account statement or the institutional equivalent for the 6-month period immediately preceding the filing of the complaint obtained from the appropriate official of each prison at which you are or were confined during that period.
2. Your complaint must be on approved forms or substantially in conformity therewith.
3. You must file an original and one copy of your complaint for each defendant. All copies must be identical to the original.
4. The names of all parties must be listed on the front of your complaint as well as in Part III of your complaint. The names of all parties must be listed in both places exactly the same.
5. If more than one plaintiff is listed, each plaintiff must provide, on a separate sheet, his or her full name, prisoner number, address, date of birth, date of arrest, date of conviction, and signature.
6. Your complaint should not contain legal arguments or citations. You are required to give facts.
7. Do not include exhibits with your complaint. If you do they will be returned to you. Any exhibits may be submitted at the time of hearing or trial.
8. You must file with your complaint a list and description of all cases you have filed in any federal court previously. Give the case number, section, magistrate judge number, and title of each case. State for each listed case whether it is directly related to the new complaint you are filing.
9. All pleadings and other papers submitted for filing shall be on 8½" X 11" paper, double spaced, and legibly handwritten or typed. On the first page of each document, the top margin must be 2½", the bottom margin must be 1½", and the left and right margins must each be 1" from the edge of the page. On subsequent pages all margins will be no less than 1".
10. Every paper you file, after the complaint, must have the title, docket number, section and magistrate judge number.
11. All pleadings must be signed. A notary is not required.

12. A copy of everything you want filed, after the complaint, must be sent to the attorneys for the defendants. You must certify on the pleadings that you have done this.
13. A copy of your pleadings will not be sent back to you after filing unless you provide us with an extra copy and a stamped, self-addressed return envelope.
14. You should not correspond directly with the U. S. Magistrate Judge or U. S. District Judge about your lawsuit. All pleadings and correspondence should be addressed to the Clerk of Court.
15. Even if you are allowed to proceed as a pauper, you are not therefore eligible for free copies of pleadings. The Clerk must charge 50 cents per page for any copies you request. You must also specify what you want copied and you must furnish this office with a check at the time of your request. The amount of the check should equal the number of pages you want copied multiplied by 50 cents.
16. Your complaint and other papers will not be filed if they do not conform to these instructions. They will be returned to you with a notation showing you where they do not conform.

Mail completed forms to:

Clerk's Office
United States District Court
Eastern District of Louisiana
500 Poydras Street
Room C-151
New Orleans, Louisiana 70130

10/2015