

**ANATOMY OF A PRISONER CIVIL RIGHTS CASE**  
**An effective, efficient and economical approach**

Sources: "Federal Court Prison Litigation Handbook"; [www.ilnd.courts.gov](http://www.ilnd.courts.gov)  
Lectures of J. Chapman: [www.illinoislegaladvocate.org](http://www.illinoislegaladvocate.org)  
J. Chapman (312)593-6998; [jamespchapman@aol.com](mailto:jamespchapman@aol.com)

**12:30 Proposed Local Rule 87**

Kristine Seufert, Staff Attorney and Pro Bono Coordinator, S.D. of Indiana

**12:45 Initial Action & First Steps - You've been appointed to represent a prisoner in a pro se action. What next?**

- Read the Order of Appointment carefully
  - o Note name of prisoner and case number
  - o Scope of representation
- Obtain:
  - o The pro se Complaint
  - o The docket sheet
  - o Any critical orders and adversary pleadings, if any;
  - o The Court's 28 U.S.C. § 1915A (screening) order, if any.
- 28 USC § 1915A - The Court's mechanism for review of pro se complaints.
  - o The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

**(b) GROUND FOR DISMISSAL.**—On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint—

- (1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or
  - (2) seeks monetary relief from a defendant who is immune from such relief.
- o The 1915A Order: (See samples, Appendix 1, attached)
  - May contain:
    - That a cause of action has been properly alleged;
    - What causes of action or parties have been dismissed;
    - Whether the complaint has been dismissed, but not the action; and that appointed counsel has a set period of time to do FRCP 11 due diligence and file an amended complaint if appropriate;
    - Arrangement of narrative pro se allegations into counts;

# Notes From A Waiting Room Anatomy Of A Political Prisoner Paperback By

**Clemens Wendtner**



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