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### **Your Responsibility When Using this Information:**

When putting this information together, we did our best to give you useful and accurate information because we know that incarcerated people often have trouble getting legal information and we cannot give specific advice to everyone who asks for it. The laws change often and can be looked at in different ways. We do not always have the resources to make changes to this material every time the law changes. If you use this information, it is your responsibility to make sure that the law has not changed and still applies to your situation. Most of the materials you need should be available in the prison law library, including the law library on CDCR's electronic tablets and kiosks.

## **LAWSUITS FOR MONEY DAMAGES AGAINST CALIFORNIA PRISON OFFICIALS OR STAFF**

Updated July 2024

This pamphlet is for people in California state prisons who have been harmed by the actions of prison officials or prison staff and who want to file lawsuits seeking **money damages** for **personal injuries** like a physical injury, mental distress, or other harm. The most common types of lawsuits for seeking money damages from prison officials or staff are **federal civil rights (“section 1983”) lawsuits** and **California civil lawsuits**. The purpose of this pamphlet is to help you understand the basics about what you would need to do to file one of these types of lawsuits.

This pamphlet will give you an overview of the following information:

- What initial steps to take *immediately*, before doing anything else, to protect your rights to sue state officials for money damages based on your personal injury;
- The difference between federal (U.S.) civil rights issues, state (California) tort (intentional wrongdoing or negligence) issues and state (California) civil rights issues, and how to decide which types of issues to raise;
- Special legal limits on who can be sued and what issues can be raised in personal injury lawsuits filed by incarcerated people against state prison agencies, employees, or contractors;
- The deadlines for starting lawsuits, and how to get a lawsuit started;
- Whether to file your lawsuit in federal or state court, and how to choose the right federal district court or state superior court for filing your lawsuit.

If you want to pursue a money damages lawsuit after reading this information, you will eventually need to decide what type of legal claims to make and where to file your lawsuit. These can be complex questions, and your decision will depend on the facts in your case, as well as other factors such as which court is more likely to give you a fair hearing.

The focus of this manual is on how to sue for *money damages* if you have suffered *personal injuries* by prison officials or staff.

- This manual does not discuss the special rules for *seeking benefits through the Worker's Compensation law if you are physically injured during or as a result of assigned prison work.*
- This manual does not discuss lawsuits for money damages *against agencies or organizations other than CDCR or people other than CDCR officials or staff.* For example, it does not discuss lawsuits for improper medical care you received at an outside hospital.
- This pamphlet does not focus on lawsuits for *injunctive relief* (a court order requiring officials to do something or stop doing something).
- This pamphlet does not focus on lawsuits about *personal property* that was lost or damaged by prison staff.
- This pamphlet does not focus on lawsuits *filed by people who are no longer in prison because they are on parole or PRCS or have been discharged.*

Although you might be able to bring a federal civil rights lawsuit or state civil lawsuit in some of these situations, there may be different laws or rules that apply. Also, there might be a better or different type of legal action to use. Some other types of legal actions include:

- a state court petition for writ of habeas corpus for injunctive relief;
- a state small claims court lawsuit (for up to \$12,500 in damages) for personal injury or for lost or damaged personal property; or
- a state worker's compensation claim for lost wages, medical expenses, or job re-training.

If you are interested in information about any of these other types of legal actions, please write to Prison Law Office request any of our manuals on these types of legal actions. For people with internet access, manuals are available on the Resources page of our website at [www.prisonlaw.com](http://www.prisonlaw.com).

**Common Legal Terms:** A person who is bringing a lawsuit is called a “plaintiff.” A person being sued in a lawsuit is called a “defendant.” A defendant may be either an individual person or a government “entity” like the state of California or CDCR. Each of the legal grounds for a lawsuit is called a “claim.” There are laws that give “immunity” (protection from being required to pay money damages) to some types of defendants for some types of claims, and this letter describes immunities that arise frequently in lawsuits filed by incarcerated people against prison agencies, officials, or staff.

**The “Prison Mailbox Rule” for Filing Deadlines.** This pamphlet describes deadlines for actions to protect your rights to bring a lawsuit for money damages. For most of these deadlines, your documents will be timely if you give them to prison authorities for mailing with the proper address and postage on or before the filing deadline.<sup>1</sup> Nonetheless, it is best to send your documents well in advance of the deadline to avoid any disputes about whether your documents were timely.

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<sup>1</sup> See, e.g., *Houston v. Lack* (1988) 487 U.S. 266, 270 [108 S.Ct. 2379; 101 L.Ed.2d 24] (mailbox rule for federal cases); *Moore v. Twomey* (2004) 120 Cal.App.4th 910 [16 Cal.Rptr.3d 163] (mailbox rule for state civil complaint); *In re Lambirth* (2016) 5 Cal.App.5th 915 [211 Cal.Rptr.3d 104] (mailbox rule for administrative grievances).

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ORIM Government Claims FAQ and Forms

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**I. TRYING TO GET A LAWYER TO REPRESENT YOU IN A LAWSUIT FOR MONEY DAMAGES**

Filing and litigating a lawsuit for money damages is difficult. It requires the ability to gather and organize evidence, an understanding of court decisions about who can be sued and the grounds for various legal claims, and an understanding of the rules of civil procedure and the local rules of court. It is wise to try to find a lawyer to file your lawsuit. If you have a strong case, a lawyer might represent you on a “contingency fee” basis – where the lawyer gets paid a percentage of any money awarded. To find a lawyer, you can contact a lawyer referral service and look for attorneys who do “civil rights” and “personal injury” cases. Another approach is to find court cases or news articles about issues similar to yours, see if those cases or articles mention the names of lawyers who handled those cases, and then try contacting those lawyers.

Unfortunately, very few lawyers will represent people in prison who are suing for money damages. Also, a person who wants to bring a money damages case generally has no right to court-appointed counsel for help preparing and filing the documents needed to start a lawsuit. Therefore, although it’s wise to try to find a lawyer, it’s also wise to assume that you probably will have to act on your own to meet the deadlines for the steps that will protect your right to sue.

If you can get your case into court, the court may then try to find a lawyer to represent you. Both state and federal courts can ask lawyers to take on cases “pro bono,” with the lawyers being paid from any damages and/or attorneys’ fees that might be awarded if your case is successful. Some courts have lists of attorneys who will consider taking prison cases. Your chances of getting an appointed lawyer increase if you can show that you made good efforts to try to find an attorney, that the case is too complicated for you to pursue on your own, and/or if your case survives any motions made by the defendants to dismiss the case or for “summary judgment” (denial of your claims without a trial).

## II. IMMEDIATE STEPS YOU MUST TAKE TO PROTECT YOUR RIGHTS TO SUE

If you believe you have been harmed by actions of prison officials or staff in a way that violates your rights, and if you might want to file a lawsuit, there are steps you should *always* take *immediately* to protect your rights to sue. Taking these steps will make sure that you meet the requirements to “exhaust available administrative remedies.” There are different “exhaustion requirements” for different types of cases, so you should take every available step to protect your rights even if you don’t yet know whether, how, and where you will sue. If you do not take all of these steps in a timely manner, you could permanently lose some or all of your rights to sue.

### A. *Submit a Timely CDCR Administrative Grievance and Administrative Appeal*

If you want to protect your rights to sue prison officials or staff, you must **submit and get responses to a CDCR administrative grievance and administrative appeal**. This is necessary for either federal civil rights claims or state civil law claims, even though money damages are not available through the 602-1/602-1 process.<sup>2</sup>

Your administrative grievance should be filed on a ***CDCR Form 602-1*** in which you describe who harmed you, how, and when, and say what you want CDCR staff to do to resolve your grievance (pay you money damages). For a 602-1 grievance to be timely, you must submit it before ***60 calendar days*** have passed since the harmful action took place or since you discovered the harm.<sup>3</sup> If you missed the 60-day deadline, you might be able to get CDCR or court to excuse your lateness if you submit your grievance as soon as possible with an explanation of why you could not meet the deadline.<sup>4</sup>

When you receive the response to your administrative grievance, you should file an administrative appeal (***CDCR Form 602-2***) to the CDCR Headquarters level.<sup>5</sup> Usually, a 602-2 appeal will be timely only if you submit it before ***60 calendar days*** have passed since the date you

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<sup>2</sup> 42 U.S.C. § 1997e(a) (exhaustion requirement in federal civil rights cases); *Booth v. Churner* (2001) 532 U.S. 731, 734 [121 S.Ct. 1819; 149 L.Ed.2d 958] (federal civil rights law requires administrative exhaustion even where grievance process does not permit award of money damages); *Porter v. Nussle* (2002) 534 U.S. 516 [122 S.Ct. 983; 152 L.Ed.2d 12] (exhaustion requirement applies to all federal civil rights lawsuits by incarcerated people about prison life, whether they involve general circumstances or particular incidents); *Wright v. California* (2004) 122 Cal.App.4th 659, 663, 669 [19 Cal.Rptr.3d 92] (exhaustion requirement for state civil cases).

<sup>3</sup> California Code of Regulations, title 15, § 3482(b)(1).

<sup>4</sup> See California Code of Regulations, title 15, § 3482(b)(3) (circumstances in which CDCR should extend time for filing a 602-1 include being out to court, in an outside hospital, in a medical or mental health crisis bed, or actively working on a fire-fighting crew).

<sup>5</sup> California Code of Regulations, title 15, § 3484. Under current CDCR rules, a 601-1 grievance response of “identified as staff misconduct,” “pending legal matter,” or “time expired” cannot be appealed and exhausts all available administrative remedies.” California Code of Regulations, title 15, § 3483(l). You might still want to file 602-2 after one of these responses to make sure that the court knows you did everything you could to get CDCR to respond to your claim.

received notice that the 602-1 was denied.<sup>6</sup> If you miss the 60-day deadline, you should submit your appeal as soon as possible along with an explanation of why you could not meet the deadline.<sup>7</sup>

To preserve your right to sue, you must make your administrative grievance and appeal specific enough to give prison officials fair notice of what happened, what injury you suffered, and what damages you are requesting.<sup>8</sup>

If your grievance or appeal is late or does not meet CDCR's requirements, CDCR staff can reject it.<sup>9</sup> If your grievance or appeal is rejected, you might end up not being able to exhaust administrative remedies and not able to proceed with a lawsuit.<sup>10</sup> If your grievance or appeal is rejected, you should if possible correct the problem and re-submit your grievance or appeal within the 60-day deadline. If you cannot re-submit, you can try submitting a new grievance or appeal challenging the improper rejection of your first grievance or appeal.

You can get a free information packet on Administrative Grievances and Appeals by writing to Prison Law Office. For people with internet access, the packet is on the Resources pages at [www.prisonlaw.com](http://www.prisonlaw.com).

### ***B. File a Government Claim with California's Office of Risk and Insurance Management (ORIM)***

Before you file any type of lawsuit raising a state law claim for money damages against the state, a state agency like CDCR, or a state official or state agency staff member, you must first file a **government claim with the California Department of General Services Office of Risk and Insurance Management (ORIM)**.<sup>11</sup> If you fail to take this step, the court will dismiss your state law claims. There is one important exception -- you do *not* have to file an ORIM government claim before bringing a state law claim for harm arising from sexual assault by a correctional officer during their employment by a law enforcement agency that occurred when you were 18 years or older,<sup>12</sup> or for any sexual assault that occurred when you were under age 18.<sup>13</sup>

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<sup>6</sup> California Code of Regulations, title 15, § 3484(b)(1).

<sup>7</sup> California Code of Regulations, title 15, § 3484(b)(3) (circumstances in which CDCR should extend time to submit 602-2).

<sup>8</sup> *Griffin v. Arpaio* (9th Cir. 2009) 557 F.3d 1117, 1120; see *Gomez v. Winslow* (N.D. Cal. 2001) 177 F.Supp.2d 977 (general grievance about inadequate medical care can exhaust specific medical care claim if it puts officials on notice of the claim); *Irvin v. Zamora* (S.D. Cal. 2001) 161 F.Supp.2d 1125 (grievance that puts officials on notice of the potential claims may be adequate even if it does not specifically name all defendants responsible for the incident).

<sup>9</sup> California Code of Regulations, title 15, § 3483(g)(6); California Code of Regulations, title 15, § 3485(g)(6).

<sup>10</sup> *Woodford v. Ngo* (2006) 548 U.S.81 [126 S.Ct. 2378] (person did not exhaust all available administrative remedies when 602 grievance was screened out as untimely and person unsuccessfully appealed the screen-out decision).

<sup>11</sup> Government Code § 945.4 and § 950.2. The name of the office responsible for processing these claims has changed several times; previously it was the State Board of Control, and then the Victim Compensation and Government Claims Board.

<sup>12</sup> Government Code § 945.9(a).

<sup>13</sup> Code of Civil Procedure § 3401.1.

It is not necessary for you to file an ORIM government claim if you raise only federal law issues in a federal civil rights lawsuit.<sup>14</sup> However, it is a good idea to always file an ORIM government claim to protect your rights to raise any state law legal claims that are related to your federal law claims.

The requirement of filing an ORIM government claim is in addition to filing a CDCR 601-1/602-2 administrative grievance and appeal. Also, you do not need to complete the CDCR administrative grievance and appeal process before filing an ORIM government claim. To meet the deadline for filing an ORIM government claim, you may have to file the government claim before you get responses to your 602-1 and 602-2.

You must file your ORIM government claim within **six months** of the action or harm you are suing about.<sup>15</sup>

The ORIM has a claim form that you should use; the form, instructions, and an FAQ are included with this pamphlet as Attachment A. The form has the address to which you should send your form after you complete it, sign it, and attach copies (*not* originals) of any supporting documents. The form and instructions also should be in the prison law library and are on the ORIM website at [www.dgs.ca.gov/ORIM/FORMS](http://www.dgs.ca.gov/ORIM/FORMS).

It is a good idea to send an extra copy of your government claim, a self-addressed stamped envelope, and a note asking the ORIM to return a file-stamped copy of the claim for your records. Also, in case your claim is lost in the mail or in processing, you should make a copy of it (and any supporting documents) before sending it to the ORIM.

When filing a government claim, you must **either send a \$25 fee payment or request a fee waiver**. If you are unable to pay the fee, you must send a completed fee waiver form with your claim, along with a certified copy of your trust account balance sheet to show your inability to pay. The fee waiver form is included with this pamphlet as part of Attachment A. You should also be able to obtain the form from the prison law library. It also is on the ORIM website at [www.dgs.ca.gov/ORIM/FORMS](http://www.dgs.ca.gov/ORIM/FORMS).

If you do not properly fill out the government claim form, if you file the claim form late, or if you do not submit the proper fee or fee waiver request, the ORIM must give you notice of the problem and give you a chance to correct the problem. If the ORIM does not give you notice of the problem, a court should reject any argument by CDCR or prison officials or staff that you did not follow the correct government claim process.<sup>16</sup>

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<sup>14</sup> *Williams v. Horvath* (1976) 16 Cal.3d 834 [129 Cal.Rptr. 453]; *Barry v. Ratelle* (S.D.Cal. 1997) 985 F.Supp. 1235, 1238.

<sup>15</sup> Government Code § 901 and § 911.2. This deadline applies to claims related to death of a person, injury of a person, or damage to personal property. For other types of claims, the government claim form must be filed no later than a year after the incident. Government Code § 911.2. The deadlines are not extended just because you are in prison or on parole. Government Code § 945.6(c); see also *Torres v. CDCR* (2013) 217 Cal.App.4th 844 [158 Cal.Rptr.3d 876].

<sup>16</sup> Government Code § 910.4, § 910.6, § 910.8, § 911, § 911.3; *Sykora v. Department of State Hospitals* (2014) 225 Cal.App.4th 1538 [171 Cal.Rptr.3d 583].

After the ORIM receives your government claim, it should act on your claim within 45 days.<sup>17</sup> Sometimes, the ORIM does not formally deny a claim or does not send out a notice of denial; in such cases, the claim is considered to be denied as of 45 days after it was presented to the ORIM.<sup>18</sup>

The ORIM routinely denies all claims for damages arising from personal injuries, so you should not get discouraged if the ORIM denies your claim. Even though the ORIM is likely to deny your claim, it is still necessary to go through this step before you can file a state civil claim for money damages.

### ***1. (If Needed) Request Permission to File a Late ORIM Claim***

If the six-month deadline for filing an ORIM government claim has passed, you can apply for **permission to file a late claim**. You can make a request to file a late claim by filing out the “late claim explanation” section on the government claim form or by sending a letter to the ORIM with your claim form explaining why you did not file the claim on time.<sup>19</sup> You must request permission to file a late claim within a reasonable time, and no later than one year after the date of the action that harmed you or the date you discovered that you were harmed.<sup>20</sup>

Saying that you just didn’t know about the six-month time limit is not a good excuse for missing the deadline to file a government claim.<sup>21</sup> However, there are certain situations in which the ORIM *must* allow a late claim to be filed:

- Your failure to present the claim on time was through mistake, inadvertence, surprise, or excusable neglect and the state is not prejudiced by the late claim.
- You failed to present a claim on time because you were physically or mentally incapacitated during the entire six-month period.
- You were a minor during the entire six-month period.<sup>22</sup>

After receiving your request for permission to file a late claim, the ORIM must act on your request in 45 days.<sup>23</sup> If the ORIM grants you permission to file a late claim, the claim is considered to be filed as of the date permission was granted.<sup>24</sup> If the ORIM does not act on the request for

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<sup>17</sup> Government Code § 912.4.

<sup>18</sup> Government Code § 912.4(c).

<sup>19</sup> Government Code § 911.4(a).

<sup>20</sup> Government Code § 911.4(b).

<sup>21</sup> See *Harrison v. County of Del Norte* (1985) 168 Cal.App.3d. 1 [213 Cal.Rptr. 658]; *Torbitt v. Fearn* (1984) 161 Cal.App.3d 860 [208 Cal.Rptr. 1].

<sup>22</sup> Government Code § 911.6(b). A late claim must also be allowed if the person who suffered the injury died before the six-month period ran out. Government Code § 911.6(b).

<sup>23</sup> Government Code § 911.6(a).

<sup>24</sup> Government Code § 912.2.



permission to file a late claim, the request is considered to be denied as of the end of the 45-day period.<sup>25</sup>

**If the ORIM denies your request to file a claim, you can challenge the ORIM's decision** by filing a petition in the superior court for the county where your state law issues arose.<sup>26</sup> You must file the petition within six months after the date that your request for permission to file a late ORIM claim was denied (or deemed to have been denied) and in your petition you must state that your late claim request was made and denied, give the reasons why your claim was filed late, and state all facts related to your underlying legal claim.<sup>27</sup> You must serve the Attorney General with a copy of the petition and a written notice of the time and place for a hearing on the petition, either by mail at least 21 days before the hearing OR through personal service at least 16 days before the hearing.<sup>28</sup> If you cannot get a hearing date before serving the notice and petition, you can file those documents in the court with a request that the court set a hearing and notify the parties of the date. If the court grants the petition, you must file the state lawsuit within 30 days after the order.<sup>29</sup> If the court denies the petition, you can appeal the court's denial of the petition to the state Court of Appeal that covers the county where your petition was filed.<sup>30</sup>

### ***C. Give Notice of Medical Malpractice Suit (If Applicable)***

In addition to completing an administrative grievance/appeal and ORIM government claim, a person who want to bring a state civil medical malpractice case against a health care provider is supposed to give the defendant **notice of the intention to sue** no less than 90 days before filing the lawsuit by sending a letter to each health care defendant stating the legal basis of your claim and the specific injuries and loss that was suffered. However, unlike the other actions you are supposed to take before filing a lawsuit, failure to give this notice does not affect your ability to bring a lawsuit; the only consequence is that if you have an attorney they can be disciplined for failing to give the notice. Also, there is no need to give notice if you don't know the name of a defendant. A potential benefit of giving the notice is that if you serve the notice within the last 90 days before the end of the deadline for filing your lawsuit, the deadline for filing your medical malpractice lawsuit will be extended to 90 days after the date you served the notice.<sup>31</sup>

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<sup>25</sup> Government Code § 911.6(c).

<sup>26</sup> Government Code § 946.6(a).

<sup>27</sup> Government Code § 946.6(b).

<sup>28</sup> Government Code § 946.6(d); Code of Civil Procedure § 1005(b).

<sup>29</sup> Government Code § 946.6(f).

<sup>30</sup> See cases reviewing late claim petitions, including *Renteria v. Juvenile Justice, CDCR* (2006) 135 Cal.App.4th 903 [37 Cal.Rptr.3d 777]; *Munoz v. California* (1995) 33 Cal.App.4th 1767 [39 Cal.Rptr.2d 860]; *Greene v. California* (1990) 222 Cal.App.3d 117 [272 Cal.Rptr. 52]; *Draper v. City of Los Angeles* (1990) 52 Cal.3d 502 [276 Cal.Rptr. 864]; *Bettencourt v. Los Rios Community College District* (1986) 42 Cal.3d. 270 [228 Cal.Rptr. 190]; *Ebersol v. Cowan* (1983) 35 Cal.3d. 427 [197 Cal.Rptr. 601].

<sup>31</sup> Code of Civil Procedure § 364-§ 365. *Wurtz v. County of Fresno* (1996) 44 Cal.App.4th 380 [51 Cal.Rptr.2d 689]. *Anson v. County of Merced* (1988) 202 Cal.App.3d 1195 [249 Cal.Rptr. 457]. For people with internet access, addresses for serving notice on individual health care professionals is on the Medical Board of California website at [www.mbc.ca.gov](http://www.mbc.ca.gov).

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Once you have taken the initial steps described above, you must decide what kind of lawsuit you will file and then file your lawsuit within the deadline that applies. The two main types of money damages lawsuits, the claims that can be raised, and the filing deadlines and processes are discussed in Sections III and IV of this letter.

### III. FEDERAL CIVIL RIGHTS (§ 1983) LAWSUITS

A **“federal civil rights” lawsuit**, also known as a “section 1983” lawsuit, is a common type of lawsuit filed by people in prison seeking money damages. You can file this type of lawsuit to sue prison state officials or staff who have violated your federal constitutional or federal statutory rights.<sup>32</sup> The next subsections give some information about who you can sue in a federal civil rights lawsuit, what sorts of legal claims you can raise, what form to file to start the lawsuit, and where to file your case.

#### ***A. Who Can I Sue in a Federal Civil Rights Lawsuit?***

In a federal civil rights lawsuit, **you may sue any “person” who has violated a federal right of yours while acting “under color of state law.”**<sup>33</sup> People acting “under color of state law” include prison staff who are working in their jobs as state employees. People acting “under color of state law” may also include doctors, teachers, or other people who work under contract to the state providing services to people in prison.<sup>34</sup>

**You should try to sue every state official, employee, and contractor who played a part in causing the injury.** For example, suppose you suffered injuries to your hand because a correctional officer assaulted you without justification, under orders from a correctional sergeant. In this situation, you could sue the officer who assaulted you. You could also sue the sergeant who ordered the assault. If the officer and/or sergeant were not properly trained and supervised, and that lack of training or supervision was a factor in causing the assault, you might also be able to sue higher-ranking officials who were responsible for training and supervising staff or for setting policies on the use of force.<sup>35</sup> If you do not know the name of someone you want to include as a defendant, you can call them “John Doe” or “Jane Doe” until you can find out their real name.

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<sup>32</sup> See 42 U.S.C. § 1983.

<sup>33</sup> 42 U.S.C. § 1983.

<sup>34</sup> *Haygood v. Younger* (9th Cir. 1985) 769 F.2d 1350, 1354; *Leer v. Murphy* (9th Cir. 1988) 844 F.2d 628, 633; see *West v. Atkins* (1988) 487 U.S. 42, 54 [108 S.Ct. 2250; 101 L.Ed.2d 40] (doctors who contract with the state to provide medical services to incarcerated people may be sued under § 1983).

<sup>35</sup> Some cases that discuss legal issues of “causation” in regards to issues concerning incarcerated people are *Ashcroft v. Iqbal* (2009) 556 U.S. 662 [129 S.Ct. 1937, 173 L.Ed.2d 868]; *Johnson v. Duffy* (9th Cir. 1978) 588 F.2d 740; *Hernandez v. Cate* (E.D. Cal. 2013) 918 F.Supp.2d 987; *Ward v. Brown* (E.D. Cal. 2012) 891 F.Spp.2d 1149; *Hydrick v. Hunter* (9th Cir.

When filing a federal civil rights suit against prison staff and officials, **you must say whether you are suing them in their “individual capacity,” their “official capacity,” or both.** If you are suing for money damages (asking the court to award payment for your injury), you *must* state that you are suing the defendants in an “individual capacity.”<sup>36</sup>

**In most circumstances you cannot file a federal civil rights lawsuit for money damages against the State of California, the California Department of Corrections and Rehabilitation (CDCR), or a specific prison** – they are not considered “persons” under the Civil Rights Act.<sup>37</sup> Also, under the Eleventh Amendment to the U.S. Constitution, states are protected against being sued in federal court for money damages; this is called “sovereign immunity.”<sup>38</sup> However, there are exceptions – a state or its agencies can be sued if the governing federal statute allows lawsuits against the state or if the state waives (gives up) its sovereign immunity, usually by accepting federal funds. An important example of these exceptions is that people in California prisons can sue the state and its agencies for violations of the federal statutes forbidding discrimination against people with disabilities.<sup>39</sup>

### ***B. What Claims Can I Raise in a Federal Civil Rights Lawsuit?***

For a federal civil rights lawsuit, **you must claim that the defendants violated a federal law.** Specifically, you must show that prison officials or staff violated a right of yours that is protected by the U.S. Constitution or a by federal statute passed by the U.S. congress and senate and signed by the President. Federal statutes are in the United States Code (U.S.C.).

#### ***1. Legal Standards for Federal Civil Rights Claims***

If you want to prove that prison officials or staff violated a federal right in your case, you will most likely have to show two things: (1) that the prison staff or contractor caused a particular degree of harm, *and* (2) that they acted with a particular state of mind.

Courts have established **legal standards for various types of federal civil rights claims** by people in prison. These are criteria that courts follow when deciding whether actions or omissions by prison officials or staff violate federal laws. Here are some of the standards that are most commonly applied:

- Inadequate or improper medical or mental health care violates the U.S. Constitution’s Eighth Amendment prohibition on cruel and unusual punishment if prison officials acted with “deliberate indifference” to a serious medical or mental health need. Negligent treatment

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2012) 669 F.3d 937; *Starr v. Baca* (9th Cir. 2011) 652 F.3d 1202.

<sup>36</sup> *Will v. Michigan Dept. of State Police* (1989) 491 U.S. 58 [109 S.Ct. 2304; 105 L.Ed.2d 45].

<sup>37</sup> 42 U.S.C. § 1983; *Hale v. Arizona* (9th Cir. 1993) 993 F.2d 1387, 1398; *Taormina v. California Dept. of Corrections* (S.D. Cal. 1996) 946 F.Supp. 830.

<sup>38</sup> See *Quern v. Jordan* (1979) 440 U.S. 332 [99 S.Ct. 1139; 59 L.Ed.2d. 358]; *Edelman v. Jordan* (1974) 415 U.S. 651 [94 S.Ct. 1347; 39 L.Ed.2d 662].

<sup>39</sup> *United States v. Georgia* (2006) 546 U.S. 151 [126S.Ct.877; 163 L.Ed.2d 650]; *Clark v. California* (9th Cir. 1997) 123 F.3d 1267; 42 U.S.C. § 12202 (ADA); 42 U.S.C. § 2000-7(a)(1) (Section 504 of the Rehabilitation Act).

alone does not violate the Eight Amendment.<sup>40</sup>

- Use of excessive force by prison staff violates the Eighth Amendment prohibition against cruel and unusual punishment if the force was not used in a good faith effort to maintain or restore order and was applied “maliciously or sadistically for the very purpose of causing harm.”<sup>41</sup>
- Bad living conditions in prison are cruel and unusual punishment under the Eighth Amendment if they amount to a serious deprivation of the “minimal civilized measures of life’s necessities” and prison officials acted with “deliberate indifference” to the deprivation. The basic human needs include adequate food, clothing, shelter, sanitation, and personal safety.<sup>42</sup>
- Restrictions on an incarcerated person’s the right to free speech or association violate the First Amendment if the restrictions “are not reasonably related to a legitimate penological interest.”<sup>43</sup>
- Racial discrimination by prison officials violates the U.S. Constitution’s Fourteenth Amendment guarantee of equal protection unless the government proves the policies “are narrowly tailored measures that further compelling government interests.” This is called the “strict scrutiny” test.<sup>44</sup>
- Discrimination on the basis of gender by prison officials violates the Fourteenth Amendment guarantee of equal protection unless the government proves the policies “serve important governmental objectives” and are “substantially related to the achievement of those objectives.” This is called “intermediate scrutiny.”<sup>45</sup> This standard also applies to discrimination against people who are transgender.<sup>46</sup>
- The federal Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 forbid discrimination or denying the benefits of a program or activity based on an incarcerated person’s disability if the person can meet the essential eligibility requirements of the program, with or without reasonable modifications.<sup>47</sup>

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<sup>40</sup> *Estelle v. Gamble* (1976) 429 U.S. 97 [97 S.Ct. 285; 50 L.Ed.2d. 251].

<sup>41</sup> *Hudson v. McMillan* (1992) 501 U.S. 294 [112 S.Ct. 995; 117 L.Ed.2d 156]; *Whitley v. Albers* (1986) 475 U.S. 312 [106 S.Ct. 1078; 89 L.Ed.2d 251].

<sup>42</sup> *Hudson v. McMillan* (1992) 503 U.S. 1 [112 S.Ct. 995; 117 L.Ed.2d 156]; *Wilson v. Seiter* (1991) 501 U.S. 294, 302 [111 S.Ct. 2321; 115 L.Ed.2d 271]; *Rhodes v. Chapman* (1981) 452 U.S. 337, 347 [101 S.Ct. 2392; 69 L.Ed.2d 59]; *Hoptowit v. Ray* (9th Cir. 1982) 682 F.2d 1237, 1246.

<sup>43</sup> *Turner v. Safley* (1987) 482 U.S. 78 [107 S.Ct. 2254; 96 L.Ed.2d 64]; *O’Lone v. Estate of Shabazz* (1987) 482 U.S. 342 [107 S.Ct. 2400; 96 L.Ed.2d 282]; *Frost v. Symington* (9th Cir. 1999) 197 F.3d 348.

<sup>44</sup> *Johnson v. California* (2005) 543 U.S. 499 [125 S.Ct. 1141, 1146, 1148; 160 L.Ed.2d 949].

<sup>45</sup> *United States v. Virginia* (1996) 518 U.S. 515, 532-533 [116 S.Ct. 2264; 135 L.Ed.2d 735]; *Harrison v. Kernan* (9th Cir. 2020) 971 F.3d 1069; *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223.

<sup>46</sup> *Norsworthy v. Beard* (N.D. Cal. 2015) 87 F.Supp.3d 1104.

<sup>47</sup> 42 U.S.C. § 12131 et seq. (ADA); 29 U.S.C § 794 (Rehabilitation Act); *Pennsylvania Dept. Of Corrections v. Yeskey* (1998)

- People in prison retain some due process rights under the U.S. Constitution’s Fourteenth Amendment. For example, in disciplinary matters involving credit losses, people in prison have the rights to notice, a hearing, and a decision supported by “some evidence.”<sup>48</sup> Classification decisions, such as transfers or placement in restricted housing, are not protected under the due process clause unless the state has created a liberty interest by requiring prison officials to follow mandatory procedures before taking such action *and* the classification action imposes an “atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.”<sup>49</sup>
- Deliberate interference by prison officials with the confidential relationship between a criminal defendant and their defense counsel violates the U.S. Constitution’s Sixth Amendment right to counsel if the interference substantially prejudices the defendant.<sup>50</sup>

## ***2. Claims You Cannot Raise in a Federal Civil Rights Lawsuit***

**There are some types of claims you *cannot* raise in a federal civil rights case.** For example:

- You *cannot* use a federal civil rights lawsuit to challenge the legality of your criminal conviction or the length of your sentence. This bar also forbids you from challenging prison losses of credit for prison rule violations, improper calculations of good conduct or program credits, or denial or revocation of parole. The proper way to raise these claims in federal court is through a federal petition for writ of habeas corpus. You may file a federal civil rights case for money damages only after your conviction, sentence, or rule violation finding has been declared invalid in a habeas corpus case or other legal action. The only exception is that you may use a federal civil rights lawsuit to bring a claim involving a parole denial/revocation or rule violation matter *if* the claim does not directly challenge “the fact or duration of confinement.”<sup>51</sup>
- You *cannot* use a federal civil rights lawsuit to challenge a cell search because prison cells are not protected by the U.S. Constitution’s Fourth Amendment prohibition against unreasonable searches and seizures.<sup>52</sup>

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524 U.S. 206 [118 S.Ct. 1952; 141 L.Ed.2d 215].

<sup>48</sup> *Wolff v. McDonnell* (1974) 418 U.S. 539 [94 S.Ct. 2963; 41 L.Ed.2d 935]; *Superintendent v. Hill* (1985) 472 U.S. 445 [105 S.Ct. 276; 86 L.Ed.2d 356]; *Zimmerlee v. Keeney* (9th Cir. 1987) 831 F.2d 183.

<sup>49</sup> *Sandin v. Conner* (1995) 515 U.S. 472, 483 [115 S.Ct. 2293; 132 L.Ed.2d 418].

<sup>50</sup> *Williams v. Woodford* (9th Cir. 2004) 384 F.3d 567, 584-585.

<sup>51</sup> *Heck v. Humphrey* (1994) 512 U.S. 477 [114 S.Ct. 2364; 129 L.Ed.2d 383]; *Edwards v. Balisok* (1997) 520 U.S. 641 [117 S.Ct. 1584; 137 L.Ed.2d 906]; *Muhammad v. Close* (2004) 540 U.S. 749 [124 S.Ct. 1303; 158 L.Ed.2d 32]; *Wilkinson v. Dotson* (2005) 544 U.S. 74 [125 S.Ct. 1242, 161 L.Ed.2d 253]; *Ramirez v. Galaza* (9th Cir. 2003) 334 F.3d 950.)

<sup>52</sup> *Hudson v. Palmer* (1984) 468 U.S. 517 [104 S.Ct. 3194; 82 L.Ed.2d 393].

- You *cannot* use a federal civil rights lawsuit to challenge negligent or intentional destruction of your property *unless* the property loss was pursuant to an established state procedure; instead you must use available state law remedies.<sup>53</sup>

### ***3. Rules Barring Money Damages in Some Circumstances***

Even if you can prove that prison officials or staff have violated your federal rights, there are two rules that may prevent you from winning money damages in a federal civil rights case.

First, as an incarcerated person, you *cannot* win money damages to compensate you for an **emotional or mental injury** unless you *also* suffered a physical injury that is more than “de minimis.” However, even without a physical injury, a court may award damages to compensate for violation of rights, nominal damages (a very small amount, often just \$1) to vindicate violation of a right, or punitive damages to deter or punish an egregious violation of a right that was motivated by evil motive or intent that involved reckless or callous indifference to federally protected rights.<sup>54</sup>

Second, prison officials and staff have “**qualified immunity**” against money damages awards in civil rights lawsuits *unless* their actions or omissions violated rights that were “clearly established” at the time. To overcome qualified immunity, “existing precedent must have placed the statutory or constitutional question beyond debate.”<sup>55</sup>

Third, there are some **other immunities** for specific types of money damages actions. One of these is that prison officials have “legislative immunity” for actions like adopting regulations.<sup>56</sup> Another is that parole board officials have immunity from lawsuits for official actions like denying or rescinding parole.<sup>57</sup>

### ***4. Tacking State Law Claims onto Federal Law Claims***

As discussed above, if you want to file a federal civil rights lawsuit, your case must involve violation of a *federal right*. In other words, you cannot bring a federal civil rights claim if prison officials or staff acted in a way that violated your rights under state law *but not* under federal law.

However, if prison officials harmed you by an action or omission that violated *both* federal law *and* state law, you may file a federal civil rights lawsuit that includes both the federal law claim and the state law claims.<sup>58</sup> For example, suppose an officer used excessive force in assaulting you. You

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<sup>53</sup> *Parratt v. Taylor* (1981) 451 U.S. 527 [101 S.Ct. 1920, 68 L.Ed.2d 420]; *Hudson v. Palmer* (1984) 468 U.S. 517 [104 S.Ct. 3194, 82 L.Ed.2d 393]; *Daniels v. Williams* (1986) 474 U.S. 327 [106 S.Ct. 662, 88 L.Ed.2d 662]; *Davidson v. Cannon* (1986) 474 U.S. 344 [106 S.Ct. 668, 88 L.Ed.2d 677].

<sup>54</sup> 42 U.S.C. § 1997e(e); *Oliver v. Keller* (9th Cir. 2002) 289 F.3d 623; *Pierce v. County of Orange* (9th Cir. 2008) 526 F.3d 1190; see also *Glosson v. Morales* (S.D. Cal. 2007) 469 F.Supp.2d 827.

<sup>55</sup> *Kisela v. Hughes* (2018) 584 U.S. 100 [138 S.Ct. 1148, 200 L.Ed.2d 449]; *Pearson v. Callahan* (2009) 555 U.S. 223 [129 S.Ct. 808, 172 L.Ed.2d 565].

<sup>56</sup> *Jones v. Allison* (9th Cir. 2021) 9 F.4th 1136.

<sup>57</sup> *Brown v. CDC* (9th Cir. 2009) 554 F.3d 747.

<sup>58</sup> 28 U.S.C. § 1367(a); see, e.g., *Hillery v. Rushen* (9th Cir. 1983) 720 F.2d 1132. A federal court has the power to decline to hear related state law claims if (1) the state claims raise novel or complex issues of state law, (2) the state claims are

might be able to argue that the officer's actions violated *both* your right not to be subject to cruel and unusual punishment under the U.S. Constitution's Eighth Amendment *and* was an unjustified intentional assault under state tort law. In that situation, you can file a federal civil rights lawsuit including both the federal constitutional claim and the state tort claim. However, you can only tack on a state law claim if it involves the same action or decision that you are challenging in your federal law claim. You cannot include a state law claim that is completely unrelated to the federal law claim.

### ***C. What is the Deadline for Filing a Federal Civil Rights Lawsuit in Court?***

If your federal civil rights have been violated, and you want to bring a federal civil rights claim for money damages, you must file your "complaint" (the first court document that begins the lawsuit) before too much time has passed since the action or omission that violated your rights. If you file the complaint after too much time has passed, the court may dismiss your case.

What is "too much time?" The federal civil rights law does not specify a time limit, so the court looking at your case will apply the general time limits set by the law of the state where the injury occurred.<sup>59</sup> This kind of time limit is called a "statute of limitations."

In California, the general time limit to file a federal civil rights case for money damages for a personal injury is ***two years from the date the injury occurred or is discovered***.<sup>60</sup> However, California law gives up to ***two years extra time*** to people in prison who are serving a "term less than life" (a determinate sentence or a sentence of life with the possibility of parole) when the injury occurs or is discovered.<sup>61</sup> Therefore, if your injury occurred or was discovered while you were in prison, and you are still serving your sentence, you have up to ***four years total*** from the date you were injured or first knew of the injury.

There are several other situations that can "stop the clock" or "toll" your deadline for filing a federal civil rights lawsuit:

- If you are incarcerated, and you are required to bring a direct appeal or habeas corpus petition to invalidate an unlawful loss of credits or denial or revocation of parole before you can sue for money damages (see Section III.B, above), time is tolled while you are bringing that appeal or petition.<sup>62</sup>

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substantially more numerous or important than the federal claims, or (3) the Court has dismissed all of the federal claims. 28 U.S.C. § 1367(c).

<sup>59</sup> *Wilson v. Garcia* (1985) 471 U.S. 261, 266 [105 S.Ct. 1938; 85 L.Ed.2d 254]; *Owens v. Okure* (1989) 488 U.S. 235, 249-250 [109 S.Ct. 573; 102 L.Ed.2d 594]; *Vaghan v. Grijshva* (9th Cir. 1991) 927 F.2d 476.

<sup>60</sup> Code of Civil Procedure § 335.1; see *Martinez v. Gomez* (9th Cir 1998) 137 F.3d 1124 (tolling applies to persons serving life with possibility of parole).

<sup>61</sup> Code of Civil Procedure § 352.1; *Fink v. Sheddler* (9th Cir. 1999) 192 F.3d 911, 914 n.6.

<sup>62</sup> *Marsh v. San Diego County* (S.D. Cal. 2006) 432 F.Supp.2d 1035, 1055-1056.

- Time is tolled while you are a minor (under age 18). Time is also tolled for any period of time when you are not sane. The time limits begin to run again when/if you become an adult or regain sanity.<sup>63</sup>
- Courts have discretion to grant “equitable tolling” to pause the clock if the court believes doing so is in the interests of justice, you have acted reasonably, the defendants have adequate notice of the claim, and tolling would not cause prejudice to the defendants. However, it can be difficult to convince a court to grant equitable tolling, so you should not count on getting this type of tolling.<sup>64</sup> One situation in which equitable tolling might be considered is if it took you a long time to “exhaust administrative remedies” by getting responses to your CDCR 602-1/602-2, and that prevented you from filing your lawsuit within the normal deadline.<sup>65</sup>

If you are tacking *state law* claims against a public entity or public employee on to your federal civil rights case, there may be different timelines for filing those state law claims. (See Section IV.C, below.) You will need make sure you meet the timelines for filing all of the types of claims you want to raise.

#### ***D. Where Do I File a Federal Civil Rights Lawsuit?***

You may choose between filing your federal civil rights lawsuit in state court or federal court. **Federal court is likely to be the better choice.** Federal courts have more experience dealing with federal civil rights suits, better understanding of the special rules that apply to lawsuits by people in prison, and established forms and procedures for cases involving people in prison. Also, in federal court, you might have a better chance of being appointed an attorney after you file your case.

There are four federal court districts in California: Central, Eastern, Northern, and Southern. As a general rule, **you should file your case in the U.S. District Court covering the district in which the harm occurred.** Assuming that you are suing about an injury that took place in prison, you must identify which federal court district covers that prison’s location, and bring your claim in that federal court. To figure out which court this is, see the list of courts in Attachment B.

Alternatively, you can file your federal civil rights lawsuit in state court. Sometimes this might be a good choice if the state law claims in your case are much stronger than your federal law claims.<sup>66</sup> If you decide to file your federal civil rights lawsuit in state court, you should file in the superior court for the county in which the harm occurred. To figure out which court this is, see the

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<sup>63</sup> Code of Civil Procedure § 352; *City of Huntington Park v. Superior Court* (1995) 34 Cal.App.4th 1293, 1300 [41 Cal.Rptr.2d 68].

<sup>64</sup> *Jones v. Blanas* (9th Cir. 2004) 393 F.3d 918, 928; see *Wade v. Ratella* (S.D. Cal. 2005) 407 F.Supp.2d 1196, 1205-1206; *Fink v. Shedler* (9th Cir. 1999) 192 F.3d 91.

<sup>65</sup> *Soto v. Sweetman* (2018) 882 F.3d 865; *Brown v. Valoff* (9th Cir.2005) 422 F.3d 926, 942-943.

<sup>66</sup> 28 U.S.C. § 1367 (federal court may decline jurisdiction over state law claims that are novel or complex, that dominate over the federal claims, or if the federal claims are all dismissed).



list of courts in Attachment B. If you file your federal civil rights lawsuit in state court, the defendant may try to move the case to federal court – this is called “removal.”<sup>67</sup>

### ***E. How Do I File a Federal Civil Rights Lawsuit?***

You begin a federal civil rights lawsuit by filing a document called a “complaint.” The complaint must say who you are suing as the defendants and why the court has legal authority to hear your case (“jurisdiction”). You must briefly describe what laws were violated and how, and demand the amount of money damages you want to get.<sup>68</sup>

The federal district courts provide fill-in-the-blank forms for incarcerated people to use for filing federal civil rights complaints. If you are filing without the help of a lawyer, you should use this form. Each federal district court uses a slightly different form, but the basic contents are the same. You can attach additional pages to the form if needed, but do *not* attach any exhibits. These forms should be available in the prison law library and upon request from the court clerk for each federal district court. For people with internet access, the form used by each court is on the court’s website:

- Central District of California – [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov)
- Eastern District of California – [www.caed.uscourts.gov](http://www.caed.uscourts.gov)
- Northern District of California – [www.cand.uscourts.gov](http://www.cand.uscourts.gov)
- Southern District of California – [www.casd.uscourts.gov](http://www.casd.uscourts.gov)

#### ***1. Pay the Filing Fee or File a Request to Proceed Without Paying the Filing Fee***

There is a \$350 fee for filing a complaint in federal court plus an administrative fee (currently between \$50-\$55). If you have enough money to cover this fee, you must send the full amount to the court along with your complaint.<sup>69</sup>

If you do not have enough money to pay the fee, you must send a request for “in forma pauperis” or “IFP” status to the court along with your complaint. In your request, you must disclose the value of any assets and income you have (if any) and state that you cannot pay the fee.<sup>70</sup> If you are incarcerated, you must also attach a certified copy of your trust account statement for the six-month period prior to the date you are filing the complaint.<sup>71</sup> Like the complaint form, the request form for IFP status can be obtained from the prison law library, court clerk, or court website. If you are granted IFP status, you will still have to pay toward the filing fee over time out of any income you earn or any money that is deposited in your trust account.

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<sup>67</sup> 28 U.S. Code § 1446.

<sup>68</sup> Federal Rules of Civil Procedure, rule 8(a).

<sup>69</sup> 28 U.S.C. § 1914(a).

<sup>70</sup> 28 U.S.C. § 1915(a)(1).

<sup>71</sup> 28 U.S.C. § 1915(a)(2). Even if you receive permission to proceed “in forma pauperis,” you will be required to make payments toward the filing fee if you have or get any money. 28 U.S. § 1915(b).

### ***F. After the Complaint: Pursue the Lawsuit***

Once your complaint is filed, you or your attorney must take further steps to pursue the lawsuit by seeking discovery, opposing any motions for dismissal or summary judgment that are filed by the defendants, and working toward bringing the case to trial or settlement. These steps are beyond the scope of this information packet.

After you file your complaint, if you cannot find an attorney, you should ask the court to appoint an attorney for you. Although you don't have a right to an attorney, you can try to convince the court to appoint a lawyer because your efforts to find a lawyer have been unsuccessful and the case is too complex for you to handle on your own.<sup>72</sup> Some federal courts have panels of attorneys who will take the cases of incarcerated people upon referral by the court.

### ***G. Resources for More Information on Federal Civil Rights Lawsuits***

If you're thinking about filing a federal civil rights lawsuit, you should do some **legal research** to determine whether you can make good claims that federal rights were violated and money damages should be awarded. You should also learn more about the procedures for pursuing your lawsuit after the complaint is filed. The prison law library, including the law library on CDCR's electronic tablets and kiosks, should have the information you need. In particular, the following resources might be helpful:

- *United States Code, Title 42, section 1983* (the federal Civil Rights Act) and cases citing the Act. If you look at the Act in the electronic library, you should be able to find links to thousands of court decisions regarding the rights of people in prison, organized by topic.
- *Civil Rights Actions*. This treatise contains a full discussion of the laws regarding federal civil rights actions.
- *Constitutional Rights of Prisoners*
- *The California Prison and Parole Law Handbook*, published by the Prison Law Office, has information about the rights of people in prison, how to prepare a federal civil rights complaint, and a summary of steps for pursuing a federal civil rights case. The *Handbook*, which is on the CDCR tablets as both a PDF in the free materials and in the Lexis-Nexis Law Library. For people with internet access, it can be viewed and printed on the Resources page at [www.prisonlaw.com](http://www.prisonlaw.com). As of 2024, we are in the process of updating the *Handbook* to reflect changes in the law since 2019. Updated chapters will state the dates on which they were updated.
- *The Jailhouse Lawyer's Handbook: How to Bring a Federal Lawsuit to Challenge Violations of Your Rights in Prison* (6th ed. 2021), published by the Center for Constitutional Rights and the National Lawyers Guild. To obtain a free copy, send a request to National Lawyers Guild, PO Box 1266, New York, NY 10009. For people with internet access, this book can also be downloaded for free at [www.jailhouselaw.org](http://www.jailhouselaw.org).

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<sup>72</sup> 28 U.S.C. § 1915(e)(1).

- *Representing Yourself in Federal Court: A Handbook for Pro Se Litigants* (2020). This handbook provides free information for people representing themselves in the federal court for the Northern District of California, but it could be useful to plaintiffs in other districts. However, the information is not specific to people in prison. It's available on the court website ([www.cand.uscourts.gov/pro-se-litigants/](http://www.cand.uscourts.gov/pro-se-litigants/)) or upon written request to the court clerk (see court address in Attachment B).

#### IV. STATE CIVIL LAWSUITS (TORTS AND BANE CIVIL RIGHTS ACT)

A **California civil “personal injury” lawsuit** is another type of legal action for seeking money damages from prison officials or staff who caused you physical or mental injury. Your lawsuit could be based on a “tort” (a wrongful intentional or negligent act) and/or a violation of California’s Bane Civil Rights Act. You might want to file a state personal injury lawsuit if you think you do not have a good federal law issue, you cannot meet all of the requirements for filing a federal civil rights lawsuit, or the defendants are likely to have qualified immunity under federal law. Indeed, some of the legal standards for making and proving state law claims are more favorable to incarcerated people than the legal standards for federal law claims.

Alternatively, as discussed in Section III.B.4, above, you may be able to include state law tort or civil rights claims in a federal civil rights lawsuit if the state and federal claims are based on the same acts or omissions by prison officials or staff.

It is important to try to include all possible state law claims in any lawsuit that you file. The next subsections have information about who you can sue in a California civil suit, what sorts of claims you can raise, the deadlines for filing a lawsuit, what forms to file, and where to file.

##### ***A. Who Can I Sue in a State Civil Lawsuit?***

If you are filing a state tort or civil rights lawsuit under California law, **as a general rule you should sue any individual public employee or contractor who played a part in causing the injury.**<sup>73</sup> For a state civil lawsuit, you do *not* have to state whether you are suing people in any particular “capacity” (unlike a federal civil rights lawsuit). Also, if you do not know the name of one or more of the people who took part in causing you harm, you can sue them as “John (or Jane) Doe #1,” etc.; if you later find out the name of the person, you can amend (modify) your lawsuit to add their real name.<sup>74</sup> Be aware that California law makes public employees immune (protected) from some types of legal claims. Those immunity laws are discussed in Section IV-B below.

If you are incarcerated, **you generally *cannot* file state tort law claims against the state of California or against state agencies** such as the California Department of Corrections and Rehabilitation (CDCR) or a particular state prison. California law gives “public entities” “immunity” (protection) from almost all tort claims for injuries to people in prison or caused by people in

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<sup>73</sup> See Government Code § 844.6(d).

<sup>74</sup> See Code of Civil Procedure § 474.

prison.<sup>75</sup> However, even as an incarcerated person, **you can sue the State of California and/or CDCR for most state law civil rights claims** under California’s Bane Civil Rights Act because only a few immunities apply to those types of claims.<sup>76</sup> There is more information about the immunity laws that apply to claims against public agencies in Section IV-B, below.

**There are special rules that apply if you are physically injured during or as a result of assigned prison work. For on-the-job injuries, you can seek benefits through the Worker’s Compensation law** for lost wages, medical expenses after you are released from prison, and for training or education so you can do a different type of work.<sup>77</sup> In most situations in which workers’ compensation applies, you cannot bring any other type of state law claim against the employer or another employee.<sup>78</sup> There are exceptions. You can sue the employer if the injury is caused by the willful physical assault by the employer or where the employer aggravates the injury by fraudulently concealing the injury, and you can sue another employee if the injury is caused by their willful unprovoked physical aggression or their intoxication.<sup>79</sup>

### ***B. What Claims Can I Raise in a State Civil Lawsuit?***

There are two main categories of claims you can raise in a state civil “personal injury” lawsuit. These are claims for torts and claims for civil rights violations under California’s Bane Civil Rights Act.

#### ***1. State Tort Law Claims***

A “tort” is a legal term for a wrongful act (except for a breach of contract) that causes harm. If you want to get money damages under state tort law, you will have to show two things: (1) that the person or agency you are suing caused you a particular type and degree of harm, *and* (2) that the person or agency acted (or failed to act) with a particular state of mind, such as “intentionally” or “recklessly” or “negligently.” The type of mental state you must show will depend on the type of claim you are bringing; each type of claim comes with a different legal standard. As an incarcerated person bringing a state tort claim, you do not have to prove a higher level of bad intent or a higher degree of harm than a non-incarcerated person.

Many “torts” are part of the traditional “common law,” and are not described in specific state statutes. Some examples of torts are intentional acts like **assault, battery, false imprisonment, or intentional infliction of emotional distress**. For example, if an officer used unreasonable force against you, you might be able to bring state tort claims for “assault” and “battery.” Other torts result from **negligence, which is when a person causes harm by failing to act with reasonable care**. If an officer’s carelessness caused you to get hurt, you might be able to bring a state tort claim

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<sup>75</sup> Government Code § 844.6(a), see also Government Code § 845.2, 845.5, § 845.6, § 845.8. See *Wright v. California* (2004) 122 Cal.App.4th 659 [19 Cal.Rptr.3d 92].

<sup>76</sup> See Government Code § 52.1(n).

<sup>77</sup> Labor Code § 3351(e); Labor Code § 3370; Penal Code § 2601(h); Government Code § 614.2 and § 844.6(q).

<sup>78</sup> Labor Code § 3602; *Hoa v. Riley* (N.D. Cal. 2015) 78 F. Supp.3d 1138.

<sup>79</sup> Labor Code § 3601-§ 3602; see *Hoa v. Riley* (N.D. Cal. 2015) 78 F. Supp.3d 11381.

for “negligence.” Another common tort of negligence is **medical malpractice**, which is when a healthcare professional neglects to provide appropriate treatment or take appropriate action, or gives substandard treatment. In addition to the common law torts, some torts are described in California statutes; for example, a law that says a public employee who is responsible for public property, and who knows or should have known about a dangerous condition on the property, is liable in some circumstances for injury caused by that dangerous condition.<sup>80</sup>

### ***a. Issues You Cannot Raise in a State Tort Lawsuit against a Prison Employee***

There is no general rule of “qualified immunity” for state tort claims against public employees like there is for federal civil rights claims.<sup>81</sup> However, California law give **“public employees” “immunity” (protection from liability) for some types of state tort law claims.** Public employees include prison administrators, correctional officers, prison medical employees, and other employees who work in the prison.<sup>82</sup> However, these immunities do not apply to people working as contractors or volunteers.<sup>83</sup> Some of the immunities that might arise in prison cases include:

- A public employee is not liable for any injury resulting from a decision that was an exercise of official discretion,<sup>84</sup> including a decision to deny or revoke parole or to set a parole condition,<sup>85</sup> or for starting or prosecuting an administrative proceeding (such as a rule violation hearing).<sup>86</sup>
- A public employee is not liable for carrying out or enforcing any law, if they exercise due care. If the public employee acts in good faith, they are not liable even if the law later turns out to be unconstitutional, invalid, or inapplicable. However, a public employee is still liable for false arrest or false imprisonment.<sup>87</sup>
- A public employee is not liable for an injury caused by the act or omission of another person (except for specific exceptions provided by statute).<sup>88</sup>
- A public employee acting in the scope of their employment is not liable for an injury caused by their misrepresentation, even if the misrepresentation is negligent or intentional, unless they are guilty of fraud, corruption, or actual malice.<sup>89</sup>

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<sup>80</sup> Government Code § 840-§ 840.6.

<sup>81</sup> *Venegas v. County of Los Angeles* (2007) 153 Cal.App.4th 1230 [63 Cal.Rptr.3d 741].

<sup>82</sup> See Government Code § 844.6(d).

<sup>83</sup> Government Code § 810.2; Government Code § 811.4.

<sup>84</sup> Government Code § 820.2.

<sup>85</sup> Government Code § 845.8; *Leyva v. Nielsen* (2000) 83 Cal.App.4th 1061 [100 Cal.Rptr.2d 231]; *Torres v. California Dept. of Corrections and Rehabilitation* (2013) 217 Cal.App.4th 844 [158 Cal.Rptr. 3d 876].

<sup>86</sup> Government Code § 821.6.

<sup>87</sup> Government Code § 820.4; Government Code § 820.6.

<sup>88</sup> Government Code § 820.8.

<sup>89</sup> Government Code § 822.2.

- A public employee is not liable for failure to provide sufficient equipment, personnel, or facilities in a correctional facility.<sup>90</sup>
- A public employee is not liable for interfering with your right to judicial review or the legality of your incarceration *unless* (1) the public employee intentionally and unjustifiably interfered with your right and (2) a court has already found that your incarceration was illegal.<sup>91</sup>
- A public employee is not liable for failure to furnish or obtain medical care for you in prison, *unless* the employee knew or had reason to know that you needed immediate medical care and failed to take reasonable action to get you that care. However, this immunity does *not* apply to a public employee who is a health care professional and who commits medical malpractice.<sup>92</sup>
- A public employee is not liable for injuries caused by diagnosing or not diagnosing a mental illness or addiction, or for administering a prescribed mental health treatment. However, the immunity does *not* apply to a public employee who caused harm by an intentional or negligent wrongful act in prescribing medication or administering treatment for mental illness or addiction.<sup>93</sup>

### ***b. Issues You Can Raise in a State Tort Lawsuit Against CDCR***

As discussed above, public entities like CDCR are immune from most types of state tort law claims. However, there are a few exceptions. Exceptions that might apply in a prison issue case include:

- A public entity is liable for failure to furnish or obtain medical care for you in prison, *if* a public employee knew or had reason to know that you needed immediate medical care and failed to take reasonable action to get you that care.<sup>94</sup>
- A public entity is liable if a public employee caused you injury while you are in prison by a negligent or wrongful act in operating a motor vehicle.<sup>95</sup>
- A public entity is liable for interfering with your right to a judicial review or the legality of your incarceration if (1) a public employee intentionally and unjustifiably interfered with your right and (2) a court has already found that your incarceration was illegal.<sup>96</sup>

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<sup>90</sup> Government Code § 845.2; *Estate of Abdollabi v. County of Sacramento* (E.D. Cal.2005)405 F.Supp.2d 1194, 1213.

<sup>91</sup> Government Code § 845.4.

<sup>92</sup> Government Code § 845.6.

<sup>93</sup> Government Code § 855.8; *Johnson v. County of Los Angeles* (1983) 143 Cal.App.3d 298 [191 Cal.Rptr. 704]; *Cabral v. County of Glenn* (E.D. Cal. 2009) 624 F.Supp.2d 1184, 1195-1196.(discussing difference between failure to summon care and failure to provide treatment in suicide).

<sup>94</sup> Government Code § 845.6.

<sup>95</sup> Government Code § 844.6(b); Vehicle Code § 17001.

<sup>96</sup> Government Code § 845.4.

## ***2. Bane Civil Rights Act Claims***

In addition to state tort law, California has its own civil rights law, called the Bane Civil Rights Act, which was expanded effective January 1, 2022. Under this Act, you can sue for money damages if someone **used threats of violence, intimidation, or coercion (including violence) to prevent you from doing something you had the legal right to do or to force you to do something you were not legally required to do.**<sup>97</sup> Some courts have opined that the threat, intimidation or coercion has to be separate from the violation of rights.<sup>98</sup> However, other courts have held that the threat, intimidation, or coercion does *not* need to be independent from an intentional violation of rights so, for example, you can sue under this law if a correctional officer used excessive force against you<sup>99</sup> or was deliberately indifferent to your serious medical need.<sup>100</sup>

For a Bane Act civil rights claim, you have to show that the prison official or employee you are suing had a “specific intent to violate” your rights.<sup>101</sup> When someone violates a “clearly delineated and plainly applicable” constitutional right, specific intent may be shown if they acted with “reckless disregard” of that right.<sup>102</sup>

Bane Act civil rights claims have some potential advantages for incarcerated people compared to other types of legal claims. You can sue for a violation of a right under the federal constitution or federal statute, or under the California constitution (which protects many of the same rights as the federal constitution) or a California statute. The mental intent standard may be easier to prove than the mental intent standard for related federal civil rights claim. Unlike a federal civil rights claim, an officer cannot claim “qualified immunity” under the Bane Act.<sup>103</sup> Furthermore, some of the state tort law immunities for public agencies and public employees do not apply to claims brought under the Bane Civil Rights Act. Specifically, (1) there is no general immunity for a public agency for an injury caused by or to an incarcerated person; (2) there is no immunity for a public agency or a public employee for failure to furnish or obtain medical care for an incarcerated person; and (3) there is no immunity for a public employee for an injury caused by instituting or prosecuting an administrative proceeding maliciously and without probable cause.<sup>104</sup>

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<sup>97</sup> Civil Code § 52.1. You cannot get money damages under the Bane Act from persons who were not present and did not witness the violence or threats. *Estate of Chivrell v. City of Arcata* (N.D.Cal.2022) 623 F.Supp.3d 1032.

<sup>98</sup> *Shoyoye v. County of Los Angeles* (2012) 203 Cal.App.4th 947 [137 Cal.Rptr.3d 839].

<sup>99</sup> *Cornell v. City & County of San Francisco* (2017) 17 Cal.App.5th 766, 791-792 [225 Cal.Rptr.3d 356].

<sup>100</sup> *MH v. County of Alameda* (N.D. Cal. 2013) 90 F.Supp.3d 889.

<sup>101</sup> *Reese v. County of Sacramento* (9th Cir. 2018) 888 F.3d 1030, 1043.

<sup>102</sup> *Cornell v. City & County of San Francisco* (2017) 17 Cal.App.5th 766, 803-804 [225 Cal.Rptr.3d 356].

<sup>103</sup> *Venegas v. County of Los Angeles* (2007) 153 Cal.App.4th 1230 [63 Cal.Rptr.3d 741].

<sup>104</sup> Government Code § 52.1(n) (immunities in Government Code § 821.6, § 844.6, and § 845.6 do not apply to Bane Civil Rights Act claims against a peace officer or custodial officer or against a public entity that employs a peace officer or custodial officer).

### ***C. What is the Deadline for Filing a State Civil Lawsuit in Court?***

If you want to bring a state tort claim for money damages against a prison agency or employee you must file your “complaint,” which is the legal document that begins the lawsuit, before too much time has passed. If you file your complaint after too much time has passed, the court may refuse to allow your claim to proceed.

What is “too much time”? California civil lawsuits against a public agency or public employee are governed by special deadlines (“statutes of limitations”), not by the general statutes of limitations that apply to lawsuits against other defendants (and that also apply to federal civil rights claims).<sup>105</sup> Also, the general rule that “tolls” time (stops the clock) to allow incarcerated people more time to file a lawsuit does not apply to state civil cases against a public agency or public employee.<sup>106</sup>

The deadline for filing your state civil claims against CDCR, a prison official, or prison staff depends on what the ORIM does with your government claim (see Section II.B, above) and on when you complete the CDCR 602-1/602-2 administrative grievance and appeal process:

- If the ORIM sends you a notice denying your government claim, the general rule is that you must file your state tort lawsuit within **six months** from the date on which the ORIM placed the denial notice in the mail to you.<sup>107</sup> However, if you are still completing the CDCR administrative grievance and appeal process when your ORIM claim is denied, then the time is “tolled” (paused, the clock stops ticking) and the six months starts when the grievance and appeal process is completed.<sup>108</sup>
- If the ORIM does not act on your claim, or does not send you a notice of its action, you must file your state tort lawsuit within **two years** from the date of the harmful action you are challenging.<sup>109</sup>
- There are **special rules regarding state civil law claims based on sexual assault**. There is no time limit for filing a money damages action for childhood sexual assault.<sup>110</sup> Also, as of January 1, 2022, there is a special deadline for state civil law claims based on a sexual assault by a correctional officer that occurred when you were 18 years or older and while the officer was employed by the correctional agency: either (1) within 10 years after a criminal judgment

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<sup>105</sup> *Moore v. Twomey* (2004) 120 Cal.App.4th 910 [16 Cal.Rptr.3d 163]; *Martell v. Antelope Valley Hospital Medical Center* (1998) 67 Cal.App.4th 978 [79 Cal.Rptr.2d 329].

<sup>106</sup> *Anson v. County of Merced* (1988) 202 Cal.App.3d 1195 [249 Cal.Rptr. 457].

<sup>107</sup> Government Code § 945.6(a)(1). The six-month time period means either six calendar months or 182 days, whichever is longer. *Gonzales v. County of Los Angeles* (1988) 199 Cal.App.3d 601 [245 Cal.Rptr. 112].

<sup>108</sup> *Wright v. California* (2004) 122 Cal.App.4th 659, 671 [19 Cal.Rptr.3d 92].

<sup>109</sup> Government Code § 945.6(a)(2). Imprisonment does not toll or extend the timeline for filing a state tort law claim for money damages against a public entity. Code of Civil Procedure § 352.1(b). However, a state tort complaint is timely filed if it is delivered to prison officials for mailing on or before the filing due date. *Moore v. Twomey* (2004) 120 Cal.App.4th 910 [16 Cal.Rptr.3d 163].

<sup>110</sup> Code of Civil Procedure § 3401.1.



is entered against the officer for the sexual assault or a related crime OR (2) within 10 years after the officer is no longer employed by the correctional agency.<sup>111</sup>

#### ***D. Where Do I File a State Civil Lawsuit?***

If you have a personal injury claim under state tort law, the place to file your lawsuit is in a California superior court. You should file in the superior court for the county in which the harm occurred. Assuming that your injury took place in prison, you must identify the county in which the prison is located, and file your case in the superior court of that county. To figure out which court this is, see the list of state superior courts included with this pamphlet as Attachment B.

If you are raising related claims for money damages under both state civil law and federal civil rights law, you have the option of filing your lawsuit in either a California superior court or a federal district court. Federal court is likely to be the better choice, for reasons explained in Section III.D, above.

#### ***E. How Do I File a State Civil Lawsuit?***

You begin your personal injury lawsuit in a California court by filing a document called a “complaint” with the superior court. In your complaint, you must state that you presented your administrative grievance and appeal to CDCR and your government claim to the ORIM in a timely manner and that they were denied.<sup>112</sup> You must also generally say who you are suing, what type of case you are filing, and the damages you are seeking. You must identify whether your case is an “unlimited civil case” (asking for over \$35,000) or a “limited civil case” (asking for \$35,000 or less).

California courts have standard forms for filing a personal injury complaint. You should be able to obtain these forms in the prison law library, or by contacting the clerk or visiting the website for the county court. People with internet access can also find court forms on the California Courts website ([www.courts.ca.gov](http://www.courts.ca.gov)). Forms you will need include:

- Civil Case Cover Sheet (CM-010)
- Complaint-Personal Injury, Property Damage, Wrongful Death (PLD-PL-001).
- An appropriate Cause of Action Form. There are different forms for Cause of Action-Negligence (PLD-PI-001(2)), Cause of Action-Motor Vehicle (PLD-PI-001(1)); Cause of Action-Intentional Tort (PLD-PI-001(3)) and Cause of Action-Premises liability (PLD-PI-001(4)). There does not appear to be a standard form for a Bane Civil Rights Act Claim.
- Proof of Service Forms to show you have sent (served) copies of the lawsuit on each of the defendants

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<sup>111</sup> Government Code § 945.9(b). Also, a suit for damages based on sexual assault by a correctional officer that would otherwise be barred by the statute of limitation can be revived and filed within either (1) 10 years from the date of the last attempted act, or assault with intent to commit an act, of sexual assault or (2) three years from the date the person discovers or reasonably discovers that an injury or illness resulted from an act, attempted act, or assault with intent to commit an act of sexual assault. Government Code § 945.9(c).

<sup>112</sup> *State of California v. Superior Court* (2004) 21 Cal.4th 1234 [13 Cal.Rptr.3d 534].

### ***1. File a Request to Proceed Without Paying***

There is a fee for filing a civil complaint in state court. The exact amount depends on several factors, including the amount in money damages you are asking for; the fee will likely be in the range between \$225 and \$435). You can obtain specific information on fees by contacting the superior court clerk. For people with internet access, many of the superior courts also include this information on their websites.

If you cannot afford the fee, you can ask the court to waive the fees in your case on a Request to Waive Court Fees form (FW-001). Like the complaint form, the fee waiver request can be obtained from the prison law library, court clerk, or court website. You will need to attach a certified trust account statement to your fee waiver request.

### ***F. After the Complaint: Pursue the Lawsuit***

As with a federal civil rights case, after your complaint is filed, you or your attorney must take further steps to pursue the lawsuit by seeking discovery, opposing any motions for dismissal or summary judgment filed by the defendants, and working to bring the case to trial or settlement. If you are bringing a lawsuit in state court, your case will be governed by the local court rules, as well as the California Code of Civil Procedure and California Rules of Evidence.<sup>113</sup> These rules should be available in your prison law library, as well as on the website for each court. Detailed discussion of preparing and litigating a case is beyond the scope of this manual.

Once your case is filed, if you cannot find a lawyer, then you might want to file a motion asking the court to appoint you counsel. Courts have authority to appoint counsel or take other actions to protect the rights of a prisoner who has no money and has filed a lawsuit that involves a real threat to their personal interests.<sup>114</sup>

### ***G. More Information on State Civil Lawsuits***

You will want to do more legal research to figure out what types of state law claims you should raise, how to defend against any attempts to get your case dismissed, and the procedures for filing, serving, and prosecuting a state court lawsuit. This information can be found in the following resources in the Law Library on the CDCR electronic tablets:

- CA Deerings California Code Annotated
- California Cases
- California Rules of Court and local superior court rules
- California Jurisprudence

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<sup>113</sup> This is true even if you are raising both federal and state claims in your lawsuit. See, e.g., *Denari v. Superior Court of Kern County* (1989) 215 Cal.App.3d 1488 [264 Cal.Rptr. 261].

<sup>114</sup> *Apollo v. Gyaami* (2008) 167 Cal.App.4th 1468 [85 Cal.Rptr.3d 127]; *Smith v. Ogbuehi* (2019) 38 Cal.App.5th 453 [251 Cal.Rptr.3d 185]; *Hulbert v. Cross* (2021) 65 Cal.App.5th 405 [279 Cal.Rptr.3d 645].

- California Forms of Pleading and Practice
- There is more information on your legal rights and how to use legal actions to protect your rights in *The California Prison and Parole Law Handbook*, published by the Prison Law Office. The *Handbook* is on CDCR electronic tablets and kiosks in the Law Library/California/Secondary Sources/The California Prison and Parole Law Handbook. There is also a .PDF version in the Free materials. In addition, people who have internet access can view and print the *Handbook* under the Resources tab at [www.prisonlaw.com](http://www.prisonlaw.com). As of 2024, we are in the process of updating the *Handbook* to reflect changes in the law since 2019. Updated chapters will state the dates on which they were updated.

## V. WHAT IF I WANT TO ASK FOR INJUNCTIVE RELIEF IN ADDITION TO MONEY DAMAGES?

In addition to asking for money damages in your federal civil rights or state civil lawsuit, **you can also seek “injunctive relief” to remedy or prevent further harm.** Injunctive relief is a court order requiring prison officials to do something or stop doing something (for example, provide medical treatment or transfer you out of restricted housing). If you want to include a claim for injunctive relief in your money damages lawsuit, you should consider the following points:

- For federal civil rights claims for injunctive relief, you must name the defendants in their “official capacity.”<sup>115</sup> This means that if you are requesting *both* money damages and injunctive relief, you must state that you are suing the defendants in both their individual and official capacities.
- For federal civil rights claims for injunctive relief, there is no defense of “qualified immunity.”<sup>116</sup>
- For federal civil rights claims for injunctive relief, there is no requirement that there be a physical injury.<sup>117</sup>
- For federal civil rights claims for injunctive relief, the “tolling” rule extending the filing deadline for people in prison does not apply.<sup>118</sup>
- In a federal civil rights case filed in federal court, you cannot get injunctive relief on a related state civil law claim.<sup>119</sup>

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<sup>115</sup> *Will v. Michigan Dept. of State Police* (1989) 491 U.S. 58 [109 S.Ct. 2304; 105 L.Ed.2d 45].

<sup>116</sup> *Kentucky v. Graham* (1985) 473 U.S. 159 [105 S.Ct. 3099; 87 L.Ed.2d 114]; *Thornton v. Brown* (9th Cir. 2014) 757 F.3d 834.

<sup>117</sup> *Davis v. District of Columbia* (D.C. Cir. 1998) 158 F.3d 1342.

<sup>118</sup> See Code of Civil Procedure § 352.1(c).

<sup>119</sup> 18 U.S.C. § 3626(a).

- For state civil law claims for injunctive relief, the ORIM government claims requirement does not apply.<sup>120</sup>
- For state civil law claims for injunctive relief, the public entity and public employee immunities do not apply.<sup>121</sup>

NOTE: You can file a federal civil rights case or a state tort law case asking for only injunctive relief. However, a state court habeas corpus petition is a much simpler, easier, and speedier way for an incarcerated person to ask for injunctive relief based on federal and/or state law grounds. Thus, if you want only injunctive relief, consider filing a state court petition for writ of habeas corpus instead of a federal civil rights or state tort lawsuit.<sup>122</sup> For a free manual on state habeas corpus petitions, write to Prison Law Office. The manual is also on the Resource page at [www.prisonlaw.com/resources](http://www.prisonlaw.com/resources).

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<sup>120</sup> *Canova v. Trustees of Imperial Irrigation Dist. Employee Pension Plan* (2007) 150 Cal.App.4th 1487 [59 Cal.Rptr.3d 587].

<sup>121</sup> Government Code § 844.6(a).

<sup>122</sup> A person who challenges prison conditions via a state habeas corpus action, and loses following a reasoned denial on the merits, will be barred from bringing a § 1983 lawsuit challenging the state court's decision on the same issues. *Allen v. McCurry* (1980) 449 U.S. 90, 102-103 [101 S.Ct. 411; 66 L.Ed.2d 308]; *Silverton v. Dept. of Treasury* (9th Cir. 1981) 644 F.2d 1341, 1345-1347; *Sperl v. Deukmejian* (9th Cir. 1981) 642 F.2d 1154, 1155. The bar should not apply if the challenge is not to the prior state court decision but to the constitutionality of the state statute or rule governing the decision. *Skinner v. Switzer* (2011) 562 U.S. 521, 533-534 [131 S.Ct. 1289; 179 L.Ed.2d 233]; compare with *Cooper v. Ramos* (9th Cir. 2012) 704 F.3d 772, 780-781 (federal court will not hear § 1983 claim that is actually an attack on state court's application of the state statute).

## Frequently Asked Questions About Filing Government Claims

[What information is required when presenting a claim?](#)

[What is the address for mailing a claim?](#)

[What deadlines exist for filing a claim?](#)

[When is a "leave to present a late claim" granted?](#)

[What if I don't know the amount to claim?](#)

[How can I check on the status of my claim?](#)

[Reimbursement of extradition expenses](#)

### What information is required when presenting a claim?

You can obtain a claim form by calling (800) 955-0045 or printing the [Government Claim Form](#).

- Claimant's name and mailing address.
- The mailing address where notices should be sent.
- The date, place, and circumstances that gave rise to the claim asserted.
- A general description of the debt, obligation, injury, damage or loss incurred as best as can be determined at the time of filing, so far as it may be known at the time of presentation of the claim.
- Any supporting documentation (i.e. receipts, invoices, etc.).
- The name(s) of the entity or employee causing the injury, damage, or loss, if known.
- The amount claimed. If the amount exceeds \$10,000 indicate whether the claim is a limited civil case (less than \$25,000) or a non-limited civil case (greater than \$25,000).

### What is the address for mailing a claim?

Government Claims Program  
P.O. Box 989052, MS 414  
West Sacramento, CA 95798-9052

If you have questions regarding the Government Claims Program, contact the program toll-free at (800) 955-0045 or e-mail [gcinfo@dgs.ca.gov](mailto:gcinfo@dgs.ca.gov)

### What deadlines exist for filing a claim?

Claims for death or injury to a person, personal property, or growing crops must be filed within six months after the incident occurred. Any other claim must be filed within one year after the incident.

### What is the process for filing a leave to present a late claim?

If your claim should have been filed within six months, and you missed the deadline, you may request leave to present a late claim within one year of the date of incident by detailing your reason for filing beyond the deadline on the Government Claim Form or in a supplemental letter. The department must act on requests within 45 days. If the department does not take action within 45 days, the application is deemed denied.

### When is a "leave to present a late claim" granted?

The department may allow a late claim for any one of the following:

- Mistake, inadvertence, surprise or excusable neglect where the public entity was not prejudiced by the failure to file within the deadline.
- Claimant was a minor during all of the time allotted.
- Injured claimant was physically or mentally incapacitated during all of the time allotted and for that reason failed to file in time.

- Injured person died before the expiration of the time allotted for filing the claim.

### **What if I don't know the amount to claim?**

You claim cannot be processed without an amount listed. If you believe the total dollar amount exceeds \$10,000, indicate whether the claim is a limited civil case (less than \$25,000) or a non-limited civil case (exceeds \$25,000).

### **How can I check on the status of my claim?**

You can check on claim status by calling (800) 955-0045, e-mailing [gcinfo@dgs.ca.gov](mailto:gcinfo@dgs.ca.gov), or writing to the address above.

### **Reimbursement of extradition expenses**

The Government Claims Program does not have authority to act on claims for extradition expenses that are not invoiced to the California Department of Corrections and Rehabilitation within six months after the end of the month in which the extradition expenses were incurred.

On Aug 24, 2007, Senate Bill 81 (Chapter 175, Statutes of 2007) was enacted to add language to Penal Code sections 1557, 4016.5, 4750, 4758 and 6005 and to Welfare and Institutions Code section 1776. The new statutory language that was added to these various code sections specifically addressed the issue of reimbursement of extradition expenses. The new language reads as follows:

"No city, county, or other jurisdiction may file, and the state may not reimburse, a claim pursuant to this section that is presented to the Department of Corrections and Rehabilitation (CDCR) or to any other agency or department of the state more than six months after the close of the month in which the costs were incurred."

**CLAIMANT INFORMATION**

LAST NAME	FIRST NAME	MIDDLE INITIAL	
INMATE OR PATIENT IDENTIFICATION NUMBER (if applicable)	BUSINESS NAME(if applicable)		
TELEPHONE NUMBER	EMAIL ADDRESS		
MAILING ADDRESS	CITY	STATE	ZIP
IS THE CLAIMANT UNDER 18 YEARS OF AGE? <input type="checkbox"/> Yes <input type="checkbox"/> No	INSURED NAME(Insurance Company Subrogation)		
IS THIS AN AMENDMENT TO A PREVIOUSLY EXISTING CLAIM? <input type="checkbox"/> Yes <input type="checkbox"/> No	EXISTING CLAIM NUMBER (if applicable)	EXISTING CLAIMANT NAME(if applicable)	

**ATTORNEY OR REPRESENTATIVE INFORMATION**

LAST NAME	FIRST NAME	MIDDLE INITIAL	
TELEPHONE NUMBER	EMAIL ADDRESS		
MAILING ADDRESS	CITY	STATE	ZIP

**CLAIM INFORMATION**

STATE AGENCIES OR EMPLOYEES AGAINST WHOM THE CLAIM IS FILED	DATE OF INCIDENT
LATE CLAIM EXPLANATION (Required, if incident was more than six months ago)	
DOLLAR AMOUNT OF CLAIM	CIVIL CASE TYPE(Required, if amount is more than \$10,000) <input type="checkbox"/> Limited (\$25,000 or less) <input type="checkbox"/> Non-Limited (over \$25,000)
DOLLAR AMOUNT EXPLANATION	
INCIDENT LOCATION	
SPECIFIC DAMAGE OR INJURY DESCRIPTION	
CIRCUMSTANCES THAT LED TO DAMAGE OR INJURY	
EXPLAIN WHY YOU BELIEVE THE STATE IS RESPONSIBLE FOR THE DAMAGE OR INJURY	

**AUTOMOBILE CLAIM INFORMATION**

DOES THE CLAIM INVOLVE A STATE VEHICLE? <input type="checkbox"/> Yes <input type="checkbox"/> No	VEHICLE LICENSE NUMBER(if known)	STATE DRIVER NAME (if known)
HAS A CLAIM BEEN FILED WITH YOUR INSURANCE CARRIER? <input type="checkbox"/> Yes <input type="checkbox"/> No	INSURANCE CARRIER NAME	INSURANCE CLAIM NUMBER
HAVE YOU RECEIVED AN INSURANCE PAYMENT FOR THIS DAMAGE OR INJURY? <input type="checkbox"/> Yes <input type="checkbox"/> No	AMOUNT RECEIVED (if any)	AMOUNT OF DEDUCTIBLE(if any)

**NOTICE AND SIGNATURE**

I declare under penalty of perjury under the laws of the State of California that all the information I have provided is true and correct to the best of my information and belief. I further understand that if I have provided information that is false, intentionally incomplete, or misleading I may be charged with a felony punishable by up to four years in state prison and/or a fine of up to \$10,000 (Penal Code section 72).

SIGNATURE	PRINTED NAME	DATE
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**INSTRUCTIONS**

- Include a check or money order for \$25, payable to the State of California.
  - \$25 filing fee is not required for amendments to existing claims.
- Confirm all sections relating to this claim are complete and the form is signed.
- Attach copies of any documentation that supports your claim. Do not submit originals.

Mail the claim form and all attachments to:  
Office of Risk and Insurance Management  
Government Claims Program  
P.O.Box 989052, MS414  
West Sacramento, CA 95798-9052

Claim forms can also be delivered to:  
Office of Risk and Insurance Management  
Government Claims Program  
707 3rd Street, 1st Floor  
West Sacramento, CA 95605  
1-800-955-0045

**Department of General Services Privacy Notice on Information Collection**

This notice is provided pursuant to the Information Practices Act of 1977, California Civil Code Sections 1798.17 & 1798.24 and the Federal Privacy Act (Public Law 93-579).

The Department of General Services (DGS), Office of Risk and Insurance Management (ORIM), is requesting the information specified on this form pursuant to Government Code Section 905.2(c).

The principal purpose for requesting this data is to process claims against the state. The information provided will/may be disclosed to a person, or to another agency where the transfer is necessary for the transferee-agency to perform its constitutional or statutory duties, and the use is compatible with a purpose for which the information was collected and the use or transfer is accounted for in accordance with California Civil Code Section 1798.25.

Individuals should not provide personal information that is not requested.

The submission of all information requested is mandatory unless otherwise noted. If you fail to provide the information requested to DGS, or if the information provided is deemed incomplete or unreadable, this may result in a delay in processing.

**Department Privacy Policy**

The information collected by DGS is subject to the limitations in the Information Practices Act of 1977 and state policy ([see State Administrative Manual 5310-5310.7](#)). For more information on how we care for your personal information, please read the [DGS Privacy Policy](#).

**Access to Your Information**

ORIM is responsible for maintaining collected records and retaining them for 5 years. You have a right to access records containing personal information maintained by the state entity. To request access, contact:

**DGSORIM**  
**Public Records Officer**  
707 3<sup>rd</sup> St., West Sacramento, CA 95605  
(916) 376-5300



# GCP Filing Fee Guide

## Filing Fee Requirement

A \$25 filing fee is required for all claims submitted to the GCP. The fee was established by the Legislature in the Budget Act of 2004 to provide funds to support the program. In some circumstances when a claim is awarded, the \$25 filing fee will be refunded to the claimant by the paying agency.

Claimants should send the filing fee along with the [Government Claim Form](#).

## Fee Waiver or Fee Reduction Request Requirements

### Filing for a Fee Waiver

Fee Waiver Claimants who are unable to pay the \$25 filing fee may apply to have the fee waived. To request a fee waiver, you must fill out the [Fee Waiver or Fee Reduction Request form](#).

Inmates in correctional facilities who wish to request a fee waiver must also use the form, attach a certified copy of their trust account balance, and provide their inmate identification number.

- Persons who are receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplemental Payments (SSP) programs (Section 12200 to 12205, inclusive, of the Welfare and Institutions Code), the California Work Opportunity and Responsibility to Kids Act (CalWORKs) program (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code), the Food Stamp program (7 U.S.C. Sec. 2011 et seq.), or Section 17000 of the Welfare and Institutions Code.
- Persons whose monthly income is 125 percent or less of the current monthly poverty line.
- Persons who are sentenced to imprisonment in a state prison or confined in a county jail, or who are residents in a state institution and, within 90 days prior to the date the claim is filed, have a balance of \$100 or less credited to the inmate's or resident's trust account. A certified copy of the statement of the account shall be submitted.

### Filing for a Reduced Filing Fee

In 2024 the California legislature passed a new law that allows people with specific household incomes to apply to have the filing fee reduced below \$25 for claims against the State of California. Please see the instructions below to determine if you qualify for the reduced filing fee.

### Calculating the Reduced Fee:

Subtract the Maximum Monthly Household Income in the table below from your total household income. If this number is greater than \$100, you do not qualify for a reduced filing fee or fee waiver. If this number is greater than \$0 and less than \$100, multiply it by (0.25) to calculate your reduced fee amount.

**Number of Household Members Maximum Monthly Household Income**

1	\$1,569.00
2	\$2,129.00
3	\$2,690.00
4	\$3,250.00
5	\$3,810.00
6 or More	\$4,371.00

For each additional household member beyond 6, add \$560.00 to the maximum monthly household income

**Reduced Filing Fee for Inmates**

If you are an inmate and your trust account has more than \$100, but less than \$200, you may pay a reduced filing fee. Your trust account information must be dated within 90 days prior to the date the claim is filed.

The reduced filing fee for inmates is calculated as 25% of the difference between \$100 and the amount in your trust account.

*Example:* If you have \$150 in your Trust Account

$$\$150 - \$100 = \$50$$

$$\$50 \times 0.25 = 12.5$$

*The reduced filing fee is **\$12.50***

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The [Fee Waiver or Fee Reduction Request Form](#) can be found [here](#).

### Section 1: Claimant Information

First Name

Last Name

Claim Number (If known)

Telephone Number

If you are an inmate in a correctional facility, please attach a certified copy of your trust account balance.

Inmate Identification Number

### Section 2: Financial Information for Fee Waiver Request

I am receiving financial assistance from one or more of the following programs:

- Supplemental Security Income (SSI) and State Supplemental Payments (SSP).
- California Work Opportunity and Responsibility to Kids (CalWORKS).
- CalFresh/SNAP (formerly Food Stamps).
- General Relief (GR) or General Assistance (GA).

Number of household members and monthly household income are within one of the categories below.

Number of Household Members	Maximum Monthly Household Income
1	\$1,569.00
2	\$2,129.00
3	\$2,690.00
4	\$3,250.00
5	\$3,810.00
6 or More	\$4,371.00

For each additional household member beyond 6, add \$560.00 to the maximum monthly household income

### Section 3: Fee Waiver Certification

*I request a waiver of the \$25 fee to file a government claim. I declare under penalty of perjury, per Penal Code Section 72, that the information provided on this application is true and correct.*

*I acknowledge that by providing my electronic signature for this form, I agree to conduct business transactions by electronic means and that my electronic signature is the legal binding equivalent to my handwritten signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it.*

Signature

Date

**TO APPLY FOR A REDUCED FILING FEE, YOU ARE ONLY REQUIRED TO COMPLETE PAGE 2 OF THIS FORM.**

## Section 4: Reduced Fee Application

**CALCULATING THE REDUCED FEE:** Subtract the Maximum Monthly Household Income from your total household income. If this number is greater than \$100, you do not qualify for a reduced filing fee or fee waiver. If this number is greater than \$0 and less than \$100, multiply it by (0.25) to calculate your reduced fee amount.

I certify that my income is less than \$100 more than the indicated monthly income level and I have provided a filing fee, which is 25% of the difference.

## Section 5: Reduced Fee Certification

*I request to pay a reduced fee to file a government claim and the reduced fee is enclosed with this application. I declare under penalty of perjury, per Penal Code Section 72, that the information provided on this application is true and correct.*

*I acknowledge that by providing my electronic signature for this form, I agree to conduct business transactions by electronic means and that my electronic signature is the legal binding equivalent to my handwritten signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it.*

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**Signature**

**Date**

Department of General Services  
Office of Risk and Insurance Management  
Government Claims Program  
PO Box 989052, MS-414  
West Sacramento, CA 95798-9052

[GCInfo@DGS.ca.gov](mailto:GCInfo@DGS.ca.gov) – (916) 376-5302 – [File a Government Claim](#)

## Notice on Collection

**Effective Date:** 6/25/24

**INFORMATION COLLECTION AND ACCESS.** State law requires the following information to be provided before or upon collecting or recording information from individuals:

<p><b>1. Agency Name:</b> Department of General Services (DGS)</p>	<p><b>2. Title of Official Responsible for Information Maintenance:</b> <i>Office of Risk and Insurance Management, Government Claims Program</i></p>
<p><b>3. Access to Your Information:</b> You have the right to review records containing the information that you provided to DGS Office of Risk and Insurance Management. To request access, please contact: <i>Office of Risk and Insurance Management/Government Claims Program</i> 707 3<sup>rd</sup> Street MS 414, West Sacramento, CA 95605 gcinfo@dgs.ca.gov (916) 441-9227</p>	
<p><b>4. Collection and maintenance of the information is authorized by:</b> Government Code Section 905.2(c)(2)</p>	
<p><b>5. Consequences of not providing all or any part of the requested information:</b> Providing the following information is mandatory: all information requested unless otherwise noted. If you decline to provide this information, DGS Office of Risk and Insurance Management may deny the filing fee waiver request.</p>	
<p><b>6. Personal Information is subject to protections and limitations within:</b> The California Information Practices Act, the California Public Records Act, and state policies. DGS' general privacy policy is available at: <a href="https://www.dgs.ca.gov/Privacy">https://www.dgs.ca.gov/Privacy</a>.</p>	
<p><b>7. Use of Personal Information:</b> DGS Office of Risk and Insurance Management collects Personal Information, as defined in DGS' Privacy Policy, for the following purposes:</p> <ul style="list-style-type: none"> <li>• To determine eligibility to waive the Government Claims Program claim filing fee.</li> <li>• Perform its constitutional or statutory duties, and the use is compatible with a purpose for which the information was collected and the use or transfer is accounted for in accordance with California Civil Code Section 1798.25</li> </ul>	
<p><b>8. Sharing of Personal Information:</b> DGS Office of Risk and Insurance Management may share your Personal Information and other data with other state and/or local agencies.</p>	
<p><b>9. Free privacy protection and computer security resources are available to you at:</b> <a href="https://oag.ca.gov/privacy/consumer-privacy-resources">https://oag.ca.gov/privacy/consumer-privacy-resources</a></p>	



# CALIFORNIA STATE COURTS

*(and state prisons in those court districts)*

## California State Superior Courts

<i>Superior Courts</i>	<i>CDCR Facilities</i>
<b>Alameda County Superior Court</b> 1225 Fallon Street Oakland, CA 94612	
<b>Alpine County Superior Court</b> 14777 State Route 89 Markleeville, CA 96120	
<b>Amador County Superior Court</b> 500 Argonaut Lane Jackson, CA 95642	Mule Creek State Prison (MCSP)
<b>Butte County Superior Court</b> One Court Street Oroville, CA 95965	
<b>Calaveras County Superior Court</b> 400 Government Center Drive San Andreas, CA 95249	
<b>Colusa County Superior Court</b> 547 Market Street Colusa, CA 95932	
<b>Contra Costa County Superior Court</b> 725 Court Street Martinez, CA 94553	
<b>Del Norte County Superior Court</b> 450 H Street, Room 209 Crescent City, CA 95531	Pelican Bay State Prison (PBSP)
<b>El Dorado County Superior Court</b> 495 Main Street Placerville, CA 95667	
<b>Fresno County Superior Court</b> 1100 Van Ness Avenue Fresno, CA 93724	Pleasant Valley State Prison (PVSP)
<b>Glenn County Superior Court</b> 526 West Sycamore Street Willows, CA 95988	
<b>Humboldt County Superior Court</b> 825 Fifth Street Eureka, CA 95501	
<b>Imperial County Superior Court</b> 939 West Main Street El Centro, CA 92243	Calipatria State Prison (CAL) Centinela State Prison (CEN)
<b>Inyo County Superior Court</b> 168 North Edwards Street Independence, CA 93526	
<b>Kern County Superior Court</b> 1415 Truxtun Avenue Bakersfield, CA 93301	California Correctional Inst. (CCI) Kern Valley State Prison (KVSP) North Kern State Prison (NKSP) Wasco State Prison (WSP)

<i>Superior Courts</i>	<i>CDCR Facilities</i>
<b>Kings County Superior Court</b> 1640 Kings County Drive Hanford, CA 93230	Avenal State Prison (ASP) CSP – Corcoran (COR) Subst. Abuse Treatment Facility (SATF)
<b>Lake County Superior Court</b> 255 North Forbes Street Lakeport, CA 95453	
<b>Lassen County Superior Court</b> 2610 Riverside Drive Susanville, CA 96130	High Desert State Prison (HDSP)
<b>Los Angeles County Superior Court</b> <i>(main criminal)</i> 210 W. Temple Street Lancaster, CA 90012	CSP – Los Angeles County (LAC)
<b>Madera County Superior Court</b> 200 South G Street Madera, CA 93637	Central Cal. Women’s Facility (CCWF) Valley State Prison (VSP)
<b>Marin County Superior Court</b> P.O. Box 4988 San Rafael, CA 94913	San Quentin Rehab. Center (SQRC)
<b>Mariposa County Superior Court</b> 5088 Bullion Street Mariposa, CA 95338	
<b>Mendocino County Superior Court</b> 100 North State Street Ukiah, CA 95482	
<b>Merced County Superior Court</b> 2260 N Street Merced, CA 95340	
<b>Modoc County Superior Court</b> 205 South East Street Alturas, CA 96101	
<b>Mono County Superior Court</b> P.O. Box 1037 Mammoth Lakes, CA 93546	
<b>Monterey County Superior Court</b> 240 Church St. Salinas, CA 93901	Correctional Training Facility (CTF) Salinas Valley State Prison (SVSP)
<b>Napa County Superior Court</b> 1111 Third Street Napa, CA 94559	
<b>Nevada County Superior Court</b> 201 Church Street, Suite 7 Nevada City, CA 95959	
<b>Orange County Superior Court</b> P.O. Box 1138 Santa Ana, CA 92702	
<b>Placer County Superior Court</b> P.O. Box 619072 Roseville, CA 95661	
<b>Plumas County Superior Court</b> 520 Main Street, Room 104 Quincy, CA 95971	



<i>Superior Courts</i>	<i>CDCR Facilities</i>
<b>Riverside County Superior Court</b> 4100 Main Street Riverside, CA 92501	California Rehabilitation Ctr. (CRC) Chuckawalla Valley State Prison (CVSP) Ironwood State Prison (ISP)
<b>Sacramento County Superior Court</b> 720 9th Street Sacramento, CA 95814	CSP – Sacramento (SAC) Folsom State Prison (FSP)
<b>San Benito County Superior Court</b> 450 Fourth Street Hollister, CA 95023	
<b>San Bernardino County Superior Court</b> 247 West Third Street San Bernardino, CA 92415	California Institution for Men (CIM) California Institution for Women (CIW)
<b>San Diego County Superior Court</b> 1100 Union Street San Diego, CA 92101	Richard J. Donovan Corr. Fac. (RJD)
<b>San Francisco County Superior Court</b> ( <i>criminal</i> ) 850 Bryant Street Francisco, CA 94103	
<b>San Joaquin County Superior Court</b> 180 East Weber Avenue Stockton, CA 95202	California Health Care Facility (CHCF)
<b>San Luis Obispo County Superior Court</b> 1050 Monterey Street, Room 220 San Luis Obispo, CA 93408	California Men’s Colony (CMC)
<b>San Mateo County Superior Court</b> 400 County Center Redwood City, CA 94063	
<b>Santa Barbara County Superior Court</b> 1100 Anacapa Street Santa Barbara, CA 93121	
<b>Santa Clara County Superior Court</b> 191 North First Street San Jose, CA 95113	
<b>Santa Cruz County Superior Court</b> 701 Ocean Street Santa Cruz, CA 95060	
<b>Shasta County Superior Court</b> 1515 Court Street Redding, CA 96001	
<b>Sierra County Superior Court</b> 100 Courthouse Square P.O. Box 476 Downieville, CA 95936	
<b>Siskiyou County Superior Court</b> 411 Fourth St. P.O. Box 1026 Yreka, CA 96097	
<b>Solano County Superior Court</b> 600 Union Avenue Fairfield, CA 94533	California Medical Facility (CMF) CSP - Solano (SOL)
<b>Sonoma County Superior Court</b> 600 Administration Drive Santa Rosa, CA 95403	

<i>Superior Courts</i>	<i>CDCR Facilities</i>
<b>Stanislaus County Superior Court</b> P.O. Box 1098 Modesto, CA 95353	
<b>Sutter County Superior Court</b> 1175 Civic Center Blvd. Yuba City, CA 95993	
<b>Tehama County Superior Court</b> 1740 Walnut Street Red Bluff, CA 96080	
<b>Trinity County Superior Court</b> 11 Court Street Weaverville, CA 96093	
<b>Tulare County Superior Court</b> 221 S. Mooney Blvd. Visalia, CA 93291	
<b>Tuolumne County Superior Court</b> 12855 Justice Center Dr. Sonora, CA 95370	Sierra Conservation Center (SCC)
<b>Ventura County Superior Court</b> P.O. Box 6489 Ventura, CA 93006	
<b>Yolo County Superior Court</b> 1000 Main Street Woodland, CA 95695	
<b>Yuba County Superior Court</b> 215 Fifth Street, Suite 200 Marysville, CA 95901	

### California State Courts of Appeal

<i>Courts of Appeal</i>	<i>CDCR Facilities</i>	<i>Counties</i>
<b>First District Court of Appeal</b> 350 McAllister Street San Francisco, CA 94102	California Medical Facility (CMF) CSP - Solano (SOL) Pelican Bay State Prison (PBSP) San Quentin Rehab. Center (SQRC)	Alameda Mendocino Contra Costa Napa Del Norte San Humboldt Francisco Lake San Mateo Marin Solano Sonoma
<b>Second District Court of Appeal</b> 300 Spring St, Fl. 2, North Tower Los Angeles, CA 90013	CSP – Los Angeles County (LAC)	Los Angeles Santa San Luis Obispo Barbara Ventura

<i>Courts of Appeal</i>	<i>CDCR Facilities</i>	<i>Counties</i>
<b>Third District Court of Appeal</b> 914 Capitol Mall, 4th Fl. Sacramento, CA 95814	California Health Care Fac. (CHCF) CSP – Sacramento (SAC) Folsom State Prison (FSP) High Desert State Prison (HDSP) Mule Creek State Prison (MCSP)	Alpine Plumas Amador Sacramento Butte San Joaquin Calaveras Shasta Colusa Sierra El Dorado Siskiyou Glenn Sutter Lassen Tehama Modoc Trinity Mono Yolo Nevada Yuba Placer
<b>Fourth District Court of Appeal, Div. 1</b> 750 B Street, Suite 300 San Diego, CA 92101	Calipatria State Prison (CAL) Centinela State Prison (CEN) Richard J. Donovan Corr. Fac. (RJD)	Imperial San Diego
<b>Fourth District Court of Appeal, Div. 2</b> 3389 12th Street Riverside, CA 92501	California Inst. for Men (CIM) California Inst. for Women (CIW) California Men’s Colony (CMC) California Rehabilitation Ctr. (CRC) Chuckawalla Valley St. Prison (CVSP) Ironwood State Prison (ISP)	Inyo Riverside San Bernardino
<b>Fourth District Court of Appeal, Div. 3</b> 601 Santa Ana Blvd. Santa Ana, CA 92701		Orange
<b>Fifth District Court of Appeal</b> 2424 Cesar Chavez Blvd. Fresno, CA 93721	Avenal State Prison (ASP) California Correctional Inst. (CCI) Central Cal. Women’s Facility (CCWF) CSP – Corcoran (COR) Kern Valley State Prison (KVSP) North Kern State Prison (NKSP) Pleasant Valley State Prison (PVSP) Sierra Conservation Center (SCC) Subst. Abuse Treatment Fac. (SATF) Valley State Prison (VSP) Wasco State Prison (WSP)	Fresno Kern Kings Madera Mariposa Merced Stanislaus Tulare Tuolumne
<b>Sixth District Court of Appeal</b> 333 West Santa Clara St., Suite 1060 San Jose, CA 95113	Correctional Training Facility (CTF) Salinas Valley State Prison (SVSP)	Monterey San Benito Santa Clara Santa Cruz

### California State Supreme Court

	<i>CDCR Facilities</i>	<i>Counties</i>
<b>California Supreme Court</b> 350 McAllister Street San Francisco, CA 94102	(All CDCR facilities)	(All California counties)

## FEDERAL DISTRICT COURTS

### U.S. District Court for the Central District of California

	<i>CDCR Facilities</i>	<i>Counties</i>
<b>Western Division</b>  255 East Temple St., Room 180 Los Angeles, CA 90012	California Men’s Colony (CMC) CSP – Los Angeles County (LAC)	Los Angeles San Luis Obispo Santa Barbara Ventura
<b>Eastern Division</b>  3470 Twelfth St., Rm. 134 Riverside, CA 92501	California Institution for Men (CIM) California Institution for Women (CIW) California Rehabilitation Center (CRC) Chuckawalla Valley State Prison (CVSP) Ironwood State Prison (ISP)	Riverside San Bernardino
<b>Southern Division</b>  411 West 4th St., Rm. 1053 Santa Ana, CA 92701		Orange

### U.S. District Court for the Eastern District of California

	<i>CDCR Facilities</i>	<i>Counties</i>
<b>Fresno Division</b>  2500 Tulare St., Rm. 1501 Fresno, CA 93721	Avenal State Prison (ASP) CSP – Corcoran (COR) Cal. Correctional Inst. (CCI) Central Cal. Women’s Fac. (CCWF) Kern Valley State Prison (KVSP) North Kern State Prison (NKSP) Pleasant Valley State Prison (PVSP) Subst. Abuse Treatmt. Fac. (SATF) Sierra Conservation Center (SCC) Valley State Prison (VSP) Wasco State Prison (WSP)	Calaveras Mariposa Fresno Merced Inyo Stanislaus Kern Tulare Kings Tuolumne Madera
<b>Sacramento Division</b>  501 “I” St., Rm. 4-200 Sacramento, CA 95814	CSP – Sacramento (SAC) CSP – Solano (SOL) California Health Care Fac. (CHCF) California Medical Facility (CMF) Folsom State Prison (FSP) High Desert State Prison (HDSP) Mule Creek State Prison (MCSP)	Alpine Sacramento Amador San Joaquin Butte Shasta Colusa Sierra El Dorado Siskiyou Glenn Solano Lassen Sutter Modoc Tehama Mono Trinity Nevada Yolo Placer Yuba Plumas

**U.S. District Court for the Northern District of California**

	<i>CDCR Facilities</i>	<i>Counties</i>
<b>Oakland Division</b> 1301 Clay St., Suite 400 S Oakland, CA 94612		Alameda Contra Costa
<b>San Francisco Division</b> 450 Golden Gate Ave. 16th Floor San Francisco, CA 94102	Pelican Bay State Prison (PBSP) San Quentin Rehab. Ctr. (SQRC)	Del Norte Napa Humboldt San Francisco Lake San Mateo Mendocino Sonoma Marin
<b>San Jose Division</b> 280 South 1st Street, Rm. 2112 San Jose, CA 95113	Correctional Training Fac. (CTF) Salinas Valley State Prison (SVSP)	Santa Clara Monterey San Benito Santa Cruz

**U.S. District Court for the Southern District of California**

	<i>CDCR Facilities</i>	<i>Counties</i>
333 West Broadway Ste. 420 San Diego, CA 92101	Centinela State Prison (CEN) Calipatria State Prison (CAL) Richard J. Donovan Corr. Fac. (RJD)	Imperial San Diego

**FEDERAL COURT OF APPEALS**

	<i>CDCR Facilities</i>	<i>Counties</i>
<b>U.S. Court of Appeals for the Ninth Circuit</b> P.O. Box 193939 San Francisco, CA 94119	(All CDCR facilities)	(All California counties)

**UNITED STATES SUPREME COURT**

	<i>CDCR Facilities</i>	<i>Counties</i>
<i>United States Supreme Court</i> 1 First Street NE Washington, DC 20543	(All facilities)	(All counties)