
(full name/prisoner number)

(complete mailing address)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
_____ DIVISION**

Plaintiff,

vs.

Defendant(s).

Case No. _____
(to be assigned by Court)

**PRISONER CIVIL RIGHTS
COMPLAINT: PRISION CONDITIONS**

Jury Trial Requested: ____ Yes ____ No

JURISDICTION

The United States District Court for the District of Montana has jurisdiction over my claims because they arise under a federal statute or the federal Constitution.

PLAINTIFF

My name is _____. I am a citizen of the State of _____,
presently residing at _____.

Eighth Amendment Prison Condition Claim

(If you are detained pretrial (meaning you have not yet been convicted) and believe you have been subjected to illegal conditions of confinement, do not use this form. Use the Civil Rights Complaint Form for Pretrial Detainees.)

DEFENDANT'S NAME and TITLE (one only) _____

DEFENDANT'S EMPLOYER and WORKPLACE _____

*Prison officials have a duty to ensure that you are provided adequate shelter, food, clothing, sanitation, and personal safety. This duty is based upon the Eighth Amendment of the U.S. Constitution, which requires that your conditions of confinement provide for these basic human needs. Rhodes v. Chapman, 452 U.S. 337, 347 (1981). **The Eighth Amendment does not require that your facility or the prison officials provide comfortable conditions, but it does give you the right to be free of "cruel and unusual punishment."** In other words, inhumane conditions or the deprivation of adequate shelter, food, clothing, sanitation, and personal safety can constitute "cruel and unusual punishment." Farmer v. Brennan, 511 U.S. 825, 832 (1994) (citing Hudson v. Palmer, 468 U.S. 517, 526-27 (1984)).*

You bear the burden of proving that the Defendant(s)' acts or failures to act deprived you of your rights under the Eighth Amendment.

To state a claim for unlawful conditions of confinement under the Eighth Amendment's cruel and unusual punishment clause, you must identify what condition of confinement you are challenging. You also must state facts that support each of the following three elements: (1) that you faced a substantial risk of serious harm (this element is evaluated under an objective standard, meaning that most people who reviewed the facts of your case would agree with you); (2) that the Defendant(s) acted or chose to ignore this risk in a "deliberately indifferent" way (this element is evaluated under a subjective standard. This means that the Defendant(s) knew of the risk and disregarded it by failing to take reasonable measures to address the risk. Mere negligence is not sufficient to establish deliberate indifference.); and (3) that the Defendant(s)' acts or failures to act cause you harm.

The rest of this complaint form contains boxes for your answers. If you need more space, please attach an additional page or pages and write the question number(s) to which you are responding. Fill out all questions to the best of your ability. If you do not know or do not have the information you need to answer the question, state that and then move on to the next question.

If you name more than one Defendant, then you will need to copy and fill out pages with questions that ask for specific information about a particular Defendant. For example, if you name three Defendants, then fill out the questions that ask about the role and/or conduct of a specific Defendant a total of three times (once per Defendant).

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1. On this date _____, at this place _____, I suffered the following serious deprivation (describe the circumstances, nature, and duration of the prison conditions you have suffered under):

2. On this date _____, this is what I did to ask Defendant to fix the serious condition or this is why I think the Defendant became aware of the risk the prison conditions posed to my health or safety (describe as many details as possible of what you did to let the Defendant know of the condition and the risk you faced):

3. The following facts show that the Defendant reckless or intentionally disregarded the risk to my health and safety (describe how you know the Defendant made a conscious choice to ignore the risk you faced):

4. This Defendant's actions or inaction caused me this harm or injury (describe what the Defendant did):

5. These are the remedies I am asking for (such as money, or an order that this Defendant act or stop acting in a certain way, or a court declaration that defendant violated my rights):

6. This is a brief list of the evidence (witnesses and documents) I know of or possess that I intend to present at trial to prove all of the allegations above and a brief explanation of what it proves:

7. **If this is a claim against prison officials:** On these dates, _____, this is what I did to exhaust my administrative remedies to bring this claim to the attention of supervisors or authorities before I included this claim in a federal civil rights lawsuit, and I am attaching the grievance forms and grievance appeals to this document, or explaining why I have not used the grievance process or attached the forms:

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I am the Plaintiff in this action; that I have read this Complaint; that the information contained in this Complaint is true and correct (28 U.S.C. § 1746; 18 U.S.C. § 1621); and that this Complaint was placed in the prison mailing system or handed to the prison legal resource personnel for e-filing on _____.
(month, date, year)

(signature of Plaintiff)

Forms for related claims (available in PDF format from District Court website):

- Pretrial Detainee Conditions of Confinement claim
- Medical Care claim
- Failure to Protect claim