
(full name/prisoner number)

(complete mailing address)

**IN THE 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: FAILURE TO
PROTECT CLAIM**

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 _____.

Failure to Protect Claim

DEFENDANT'S NAME and TITLE (one only) _____

DEFENDANT'S EMPLOYER and WORKPLACE _____

To state a claim for failure to protect under the Eighth Amendment's cruel and unusual punishment clause, you must state facts to support four elements: (1) that you were placed into conditions that posed a "substantial risk of serious harm"; (2) that the Defendant was aware of facts from which they should have known that a substantial risk of serious harm existed; (3) that the Defendant did, in fact, recognize the substantial risk; and (4) that the Defendant disregarded that threat or risk by failing to take reasonable measures to prevent or stop it.

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).

1. On this date _____, at this place _____,
I became aware of the following threat to my safety or substantial risk of serious harm:

2. I first provided notice to prison or jail officials (who does not have to be the Defendant) of the threat or risk of harm on this date, _____, by doing this: _____.

A person named _____ (who does not have to be the Defendant), responded to my request with this response:

3. On these dates, _____ to _____, this particular Defendant learned of the existence of the threat or risk of harm, and this is how they learned about it (state who told the Defendant or where the Defendant read it or heard about it):

4. On these dates, _____ to _____, at this place, _____
_____, this is how this Defendant ignored the threat or risk of harm to me:

5. This is what this Defendant could have or should have done to prevent or stop the threat or harm:

6. Because this Defendant ignored the threat or risk of harm to me, this is how I was injured/or how I believe I will be injured in the future (as a result of this particular Defendant's acts):

7. Here are other facts about when, where, how, and why this Defendant's action or inaction caused the harm or is causing the threat of harm to continue:

8. 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 the Defendant violated my constitutional rights):

9. This is a brief list of the evidence (witnesses and documents) I now 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:

10. **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)