

\_\_\_\_\_  
(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: PRETRIAL DETAINEE  
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 \_\_\_\_\_ .

## Pretrial Detainee Claim

**DEFENDANT’S NAME and TITLE (one only)** \_\_\_\_\_

**DEFENDANT’S EMPLOYER and WORKPLACE** \_\_\_\_\_

*If you are a pretrial detainee, then you have the right under the Fourteenth Amendment’s Due Process Clause not to be subjected to punishment. Bell v. Wolfish, 441 U.S. 520, 535 (1979). Pretrial detainees have a due process right to adequate medical and mental health care while detained. Simmons v. Navajo County, 609 F.3d 1011, 1017 (9th Cir. 2010).*

*Detainees’ conditions of confinement claims are analyzed using a standard of “objective deliberate indifference.” Gordon v. County of Orange, 888 F.3d 1118, 1124 (9th Cir. 2018). Under that standard, you, as the pre-trial detainee, must establish the following four elements: (1) that the Defendant made an intentional decision with respect to the conditions under which you were confined; (2) that those conditions put you at substantial risk of suffering serious harm; (3) that the Defendant did not take reasonable available measures to abate that risk, even though a reasonable official in the circumstances would have appreciated the high degree of risk involved—making the consequences of the Defendant’s conduct obvious; and (4) that by not taking such measures, the Defendant caused your injuries. Gordon at 1125.*

*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 suffered the following conditions while being confined:

1. (continued):

[Empty text box for item 1]

2. This is what the Defendant decided or did to create the unconstitutional conditions of confinement:

[Empty text box for item 2]

3. These are the substantial risks of suffering serious harm that the confinement conditions posed to my health and safety:

4. The Defendant disregarded the risk to my safety and health by acting in the following way:

5. This is what the Defendant could have reasonably done to mitigate the risk to my health and safety:

6. These are the actions I took in response to the Defendant's actions:

7. As background information only, here are other facts about when, where, how, and why any other people involved in the incident said or did before, during or after the incident:

8. These are the injuries I suffered from this Defendant's acts or inaction:

9. 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:

10. 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 this Defendant violated my constitutional rights):

11. **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):**

- Policy Claim Against Municipality (City or County)