
(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: POLICY-BASED
CLAIMS AGAINST A PRIVATE
ENTITY PERFORMING A
GOVERNMENT FUNCTION
THAT VIOLATED CIVIL RIGHTS**

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 _____.

Policy-Based Claim Against a Private Entity

DEFENDANT'S BUSINESS NAME (one only) _____

DEFENDANT'S TYPE OF BUSINESS _____

To state a claim against a private entity performing a government function, you must allege facts showing the following four elements: (1) that you, as the plaintiff, were deprived of a constitutional right; (2) that the entity had a policy or custom; (3) that the entity's policymakers had facts available to them from which they knew or should have known that the policy or custom was substantially certain to result in the violation of your constitutional rights as an incarcerated person; and (4) that the policy or custom caused the violation.

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. The entity Defendant's policy or custom that harmed me is this:

2. These are facts that show a policy or custom exists:

[Empty box for facts showing a policy or custom exists]

3. This is how the entity's policymakers knew or should have known that this policy or custom probably would violate an incarcerated person's rights:

[Empty box for how the entity's policymakers knew or should have known that this policy or custom probably would violate an incarcerated person's rights]

4. On these dates, _____, at this place _____, this constitutional right of mine was violated _____, by this person acting for the entity: _____, when the person acted or failed to act, as follows:

5. These are the facts showing that this person acted in this way because of a policy, instead of according to the person's own professional judgment, experiences, and the circumstances faced:

6. These are the injuries I suffered caused by the existence of the policy or custom:

7. 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):

8. These are facts showing that the policy or custom has been used in the past and that it has caused other incarcerated people the following harm (who, what, why, when, where):

9. This is a brief list of the evidence (witnesses or documents) I know of or possess that I intend to present at trial to prove all of the allegations above—especially that a policy or custom exists—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)

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

- Pretrial Detainee Conditions of Confinement claim