
(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: RELIGIOUS LAND
USE AND INCARCERATED PERSONS
ACT (“RLUIPA”) 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 _____.

RLUIPA Claim

DEFENDANT’S NAME and TITLE (one only) _____

DEFENDANT’S EMPLOYER and WORKPLACE _____

The Religious Land Use & Institutionalized Persons Act (“RLUIPA”) provides that “[no] [state or local] government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution,” unless the government shows that the burden furthers “a compelling governmental interest” and does so by “the least restrictive means.” 42 U.S.C § 2000cc-1(a); see also Cutter v. Wilkinson, 544 U.S. 709 (2005).

To bring a successful RLUIPA claim, you, as the plaintiff, must state facts demonstrating that you have a sincerely held religious belief or practice and that the government has imposed a substantial burden on your religious exercise of that belief or practice while incarcerated. RLUIPA requires the government to meet a much stricter burden than under First Amendment free exercise claims. See Turner v. Safley, 482 U.S. 78 (1987); Greene v. Solano Cnty. Jail, 513 F.3d 982, 986 (9th Cir. 2008).

RLUIPA does not provide for damages against the states or state defendants in their official capacities because of Eleventh Amendment immunity. See Sossamon v. Texas, 563 U.S. 277, 293 (2011). Government employees in an individual capacity cannot be sued under RLUIPA. Wood v. Yordy, 753 F.3d 899, 904 (9th Cir. 2014). The proper state defendant to seek prospective injunctive relief (an order to act or stop acting) is the person who would be responsible for ensuring that injunctive relief was carried out, even if not personally involved in the violation. Pouncil v. Tilton, 704 F.3d 568, 576 (9th Cir. 2012). See 42 U.S.C. § 2000cc-5(4)(A).

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. I am alleging that on this date _____, my sincerely held religious belief was the following, and I wanted to exercise it in this way:

1. (continued):

2. This is what this Defendant did to burden the practice of my religious exercise (state what the regulation prohibited and/or what the person did):

3. As background information only, here are other facts about when, where, how, and why any other government personnel said or did about the actions of this Defendant:

4. These are the injuries I suffered from this Defendant's actions:

5. 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:

6. 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 constitutional rights):

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):

- First Amendment Religion claim
- Retaliation claim