
(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: FIRST AMENDMENT
RELIGION 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 _____ .

First Amendment Religion Claim

DEFENDANT’S NAME and TITLE (one only) _____

DEFENDANT’S EMPLOYER and WORKPLACE _____

A First Amendment Free Exercise Clause claim asserts that the government is attempting to stop or discourage a religion or religious practice. To bring a free exercise claim, you must allege facts establishing four elements: (1) you have a sincerely held religious belief; and (2) the Defendants burdened your practice of religion; (3) by preventing you; (4) from engaging in conduct mandated by your faith.

A regulation that substantially burdens an incarcerated person’s right to freely exercise their religion will be upheld only if it is “reasonably related” to a “legitimate penological interest.” Shakur v. Schriro, 514 F.3d 878, 884–85 (9th Cir. 2008). The U.S. Supreme Court has identified four factors that must be balanced in determining whether a prison regulation is reasonably related to a legitimate penological interest: (1) there must be a valid, rational connection between the regulation and the legitimate governmental interest; (2) whether there are alternative means of exercising the right that remain open to inmates; (3) the impact accommodation of the right will have on guards and other inmates, and on the allocation of prison resources; and (4) the absence of ready alternatives. Turner v. Safley, 482 U.S. 78, 89–90 (1987).

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:

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

3. This is how this particular Defendant's actions burdened the practice of my religious exercise (stopped or discouraged me from practicing my religion):

4. 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:

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 constitutional 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):

- Religious Land Use & Institutionalized Persons Act (“RLUIPA”) claim
- Retaliation claim