

**Complaint in Federal Court for Violation of Civil Rights Act
Denial of Necessary and Adequate Medical Care and Treatment**

**IN THE UNITED STATES DISTRICT COURT FOR
THE _____DISTRICT OF _____**

PLAINTIFF

V.

DEFENDANT

COMPLAINT

I. Plaintiff _____ is a resident and state prison inmate confined in the State Correctional Center [referred to below as SCC] in _____ (*city, state*). Plaintiff brings this civil rights action to redress the deprivation under color of state law of rights, privileges and immunities secured to Plaintiff by provisions of the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution. Plaintiff alleges that he has been denied access to adequate and competent medical treatment, care and facilities; that the Defendant state corrections official and his employees have failed and refused to transport Plaintiff to medical appointments with his physician, failed and refused to carry out and/or complete physician's treatment plans and orders, failed and refused to deliver prescribed medications. Plaintiff alleges further that the above-mentioned acts and/or policies and practices of the Defendant and his employees are knowing, deliberate and intentional, in disregard for the health and well-being of Plaintiff and that such acts, policies and practices are shocking to the conscience of civilized persons and intolerable in a society purportedly governed by laws and considerations of due process.

II. This Court's jurisdiction is invoked pursuant to [28 USC §§ 1331, 1343\(a\)\(3\) and \(4\), 2201](#) and [2202](#). The asserted rights and interests of the Plaintiff exceed \$75,000.00, exclusive of interest and costs. The substantive claims in this action arise under [42 USC § 1983](#) and the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution.

III. Plaintiff _____ is a citizen of the United States and a resident of _____ **(city and state)**. At all times pertinent to this action Plaintiff was and has been incarcerated at the State Correctional Center (SCC) within the custody and control of the Defendant and his employees.

IV. Defendant _____ is a resident of the State of _____ and is and always has been, at all times pertinent to this action, the Director of the State Correctional Center (SDC), and is responsible for the administration, operation and supervision of state corrections institutions and facilities within the State of _____, including SCC, and for the promulgation and enforcement of rules, regulations, policies and practices relevant to such institutions. Defendant _____ is sued individually and in his official capacity.

V. Commencing on or about the _____ day of _____, 20____, Plaintiff _____ was confined at the SDC pursuant to criminal proceedings in the Circuit Court, State of _____.

VI. As of _____ day of _____, 20____, Plaintiff was in need of specialized medical treatment and care to monitor his symptoms and alleviate the discomfort he was experiencing due to _____
(describe medical condition).

VII. During his incarceration from the above date to the date hereof, Plaintiff continued to report and indicate pain _____
(describe medical problems) almost daily; however, Plaintiff's needs for specialized treatment and care were ignored and/or refused by Defendant and his employees; Plaintiff was denied treatment and/or medications that were prescribed for him.

VIII. Defendant, his agents and employees, with knowledge of Plaintiff's medical needs, and/or with deliberate indifference to such medical needs, have acted or failed to

act in such a way as to deprive Plaintiff of necessary and adequate medical care thus endangering the Plaintiff's health and well-being. Such acts and omissions of the Defendant violate rights secured to the Plaintiff under the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution.

IX. Defendant, his agents and employees, with knowledge of Plaintiff's medical needs, and/or with deliberate indifference to such medical needs, have acted or failed to act in such manner as to prevent Plaintiff from obtaining needed medical treatment and care and/or to prevent needed medical treatment and care from reaching the Plaintiff thus endangering the Plaintiff's health and well-being. Such acts and omissions of the Defendant violate rights secured to the Plaintiff under the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution.

X. Defendant, his agents and employees, with knowledge of Plaintiff's medical needs have a duty under the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution to provide needed medical care to inmates of SCC in conformity with the standards for delivery of such medical care in the State of _____ as a whole.

XI. Defendant, his agents and employees, with knowledge of Plaintiff's medical needs, or with deliberate indifference to such medical needs, acted or failed to act in such a way as to provide medical care to Plaintiff in conformity with the standard for delivery of such medical care in the State of _____ as a whole and have in fact provided medical care which does not meet such standards thus endangering the Plaintiff's health and well-being in violation of rights secured to Plaintiff by the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution.

XII. Defendant, knowing of the medical needs of Plaintiff has a duty under the Fifth, Eighth, Ninth and Fourteenth Amendments of the Constitution of the United States to instruct, supervise and train their employees and agents to assure the delivery of medical

care to Plaintiff which is consistent with the standards of medical care in the State of _____ as a whole.

XIII. Defendant, knowing of the medical needs of Plaintiff or with deliberate indifference to such needs, have failed to instruct, supervise and train their employees and agents in such a manner as to assure the delivery of medical care to Plaintiff which is consistent with the standards of medical care in the State of _____ as a whole thus endangering the Plaintiff's health and well-being in violation of rights secured to Plaintiff and members of the Plaintiff class by the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution.

XIV. The Defendant's above-mentioned actions and/or omissions were negligent and/or reckless and/or intentional.

XV. The Defendant's above-mentioned actions and/or omissions were committed under color of law and/or pursuant to policies, customs, practices, rules, regulations, ordinances, statutes and/or usages of the State of _____, the Department of Corrections of the State of _____, and/or State Correctional Center.

XVI. Plaintiff has no adequate and sufficient remedy at law with which to address the wrongs alleged in this complaint and will continue to suffer irreparable injury from the conduct of Defendant unless he is granted the equitable relief prayed for.

XVII. As a direct and proximate result of the above described actions and omissions of Defendants, Plaintiff has suffered general damages in amounts in excess of \$75,000.00, exclusive of interest and costs, the exact amounts of which will be proven at trial.

XVIII. The acts, conduct, and behavior of Defendant were performed knowingly, intentionally, and maliciously, by reason of which Plaintiff is also entitled to an award of punitive damages in the sum of \$ _____.

WHEREFORE, Plaintiff prays for relief as follows:

1. That the Court determine and enter judgment declaring that the acts and omissions of the Defendant, as set forth above, violate rights secured to Plaintiff by the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution.

2. That upon hearing, the Court issues a preliminary and permanent injunction:

(i) Enjoining the Defendant, his employees, agents, and successors in office from providing medical care and treatment to Plaintiff that is inconsistent with the standards of medical care and treatment in the State _____ of as a whole;

(ii) Enjoining the Defendant, his employees, agents, and successors in office from refusing to provide and/or delaying provision of necessary medical treatment and care to Plaintiff either at suitable and adequate facilities within SCC or elsewhere;

(iii) Enjoining the Defendant and his successors in office from failing to instruct, supervise and train his employees and agents in such a manner as to assure the delivery of medical treatment and care to Plaintiff which is consistent with the standards of medical care in the State of _____ as a whole;

3. That the Court award general damages to Plaintiff;

4. That the Court award punitive damages to Plaintiff;

5. That the Defendant be required to pay the legal costs and expenses in this action, including reasonable provision for Plaintiff's attorney's fees;

6. That the Court grant such further and additional relief that is appropriate.

Respectfully submitted,
