

In the United States District Court for the _____ (Name of District)
of _____ (Name of State) _____ (Name of Division)

PLAINTIFF

(Name of Plaintiff)

V.

CAUSE NO. _____, _____

DEFENDANTS

(Name of Defendants)

COMPLAINT

COMES NOW _____ (Name of Plaintiff), Plaintiff in the above-styled and numbered cause, by and through his attorneys, and files this his Complaint against Defendants, _____ (Name of Individual Defendant Police Officer) and _____ (Name of Municipality), and in support thereof would show unto the Court the following matters and facts:

1. Plaintiff is an adult resident citizen of _____
(city, county, state).
2. Defendant _____ (Name of Defendant Police Officer) is an adult resident citizen of _____ (city, county, state).
3. Defendant _____ (Name of Municipality) is a Municipality and a local governmental subdivision in _____ (Name of state), created and existing by virtue of the laws of _____ (Name of state). The _____ (Name of Municipality) Police Department is a department of _____ (Name of Municipality).

I. Jurisdiction

4. This Complaint seeks, *inter alia*, damages pursuant to 42 U.S.C.A. § 1983 and 42 U.S.C.A. § 1988 for violation of Plaintiff's civil rights and for related claims.
5. Jurisdiction is founded on 28 U.S.C.A. § 1331 and 28 U.S.C.A. § 1343. This court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C.A. § 1367.

II. Venue

6. The acts or omissions giving rise to the Plaintiff's claims arose in _____ (Name of County), _____ (Name of State). Thus, pursuant to 28 U.S.C.A. § 1391(b)(2), venue is proper in the _____ (Name of federal district court) of _____ (Name of state).
7. Both of the Defendants are legally responsible for, the incident, unlawful conduct, injuries and damages alleged by personally participating in the unlawful conduct, or acting jointly or conspiring with others to act, by authorizing or allowing, explicitly or implicitly, policies, plans,

customs, practices, actions or omissions that led to the unlawful conduct, by failing to take action to prevent the unlawful conduct, by failing or refusing to initiate and maintain adequate training or supervision, and thus constituting deliberate indifference to Plaintiff's rights, and by ratifying the unlawful conduct that occurred by agents and officers under their direction and control, including failing to take remedial or disciplinary action.

8. At all times mentioned in this Complaint, Defendant _____ (**Name of Police Officer**), was an agent, employee, and/or co-conspirators of the _____ (**Name of Municipality**) and that at all times, Defendant _____ (**Name of Police Officer**) was acting within the course and scope of that relationship as a police officer.

9. In doing the acts and/or omissions alleged, Defendants, and each of them, acted under color of authority and/or color of state law at all relevant times.

10. Pursuant to _____ (**citation of state statute**), Defendant _____ (**Name of Police Officer**) is liable for injuries caused by his acts and/or omissions to the same extent as a private person. Pursuant to _____ (**citation of state statute**), Defendant _____ (**Name of Municipality**) is vicariously liable for injuries proximately caused by the acts and/or omissions of its public employees, including Defendant _____ (**Name of Police Officer**).

11. The violations of the Plaintiff's constitutional rights complained of were caused by customs, policies, and/or practices of authorized policymakers of Defendant _____ (**Name of Municipality**) and other supervisory officials of Defendant _____ (**Name of Municipality**)'s Police Department, which encouraged, authorized, directed, condoned, and/or ratified the unconstitutional and unlawful conduct complained of in this Complaint. These customs, policies, and/or practices were the moving force behind the violations alleged, and include, but are not limited to, exposing persons to unreasonable force and seizure during the course of driving-under-the-influence investigations and/or traffic stops, failing to maintain adequate policies, failing to adequately train, supervise, and control investigators and officers concerning driving-under-the-influence investigations and/or traffic stops, failing to investigate and impose discipline on investigators and officers who employ improper investigation methods, and traffic stop tactics, and failing to adopt other remedial measures and policies to ensure that such violations do not recur.

III. Factual Allegations

11 through 20 (***Set forth allegations indicating civil rights violations by municipal police officer committed in the course of making a false arrest and imprisonment of plaintiff based on an alleged drunk driving incident***) _____

IV. Filing of Claims under _____ (**citation of state statute**) and Tolling of Statute of Limitations

21. On _____ (**date of filing**), Plaintiff presented his claim to Defendant _____ (**Name of Municipality**), pursuant to the _____ (**citation of state statute**).

22. On _____ (**date of service**), Defendant _____ (**Name of Municipality**) served on Plaintiff a written notice of rejection of his respective claim, effective _____ (**date**). A copy of this notice is attached as **Exhibit A**, and incorporated by reference.

23. Based on the _____ (**Name of Police Officer**)'s false representations, a criminal complaint was filed against Plaintiff in _____ (**Name of Court**) on _____ (**date**) in connection with the _____ (**date**) incident. Plaintiff's criminal trial was scheduled for _____ (**date**). All criminal charges against Plaintiff was dismissed on _____ (**date**). Under _____ (**citation of state statute**), Plaintiff was prohibited from bringing a civil action against peace officers and public entities while criminal charges were pending against him. Any applicable statute of limitations was therefore tolled while criminal charges were pending.

24. In this case, any applicable statute of limitations was tolled from (**description of tolling period**) _____.

V. Claims for Relief

First Claim for Relief -- Excessive Force

25. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 24, as though fully set forth here.

26. Defendants' misconduct alleged above violated Plaintiff's right to be free from the unreasonable and excessive use of force as guaranteed by the 4th Amendment and the 14th Amendment of the United States Constitution.

27. Defendants' misconduct directly and proximately caused Plaintiff to suffer injury including bodily injury, pain and suffering, shock, extreme emotional distress, and humiliation.

Second Claim for Relief -- False Arrest

28. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 27, as though fully set forth here.

29. Defendants' misconduct violated Plaintiff's right to be free from unreasonable seizure as guaranteed by the 4th Amendment and the 14th Amendment of the United States Constitution.

30. Defendants' misconduct directly and proximately caused Plaintiff to suffer injury including shock, extreme emotional distress, and humiliation. violation of state and federal civil rights statutes, assault and battery, and false imprisonment.

(Set forth any other Allegations as to additional claims for relief) _____.

VI. Request for Relief

WHEREFORE, Plaintiff requests the following relief:

1. Compensatory damages against each Defendant, jointly and severally, in an amount to be proven at trial;

2. Punitive and exemplary damages against each individual Defendant (as allowed by law) in an amount appropriate to punish each individual Defendant and deter others from engaging in similar misconduct;

3. Costs of suit;

4. Reasonable attorney's fees pursuant to _____ (*citation of state statute*), and as otherwise authorized by statute or law;

5. Pre-judgment and post judgment interest as permitted by law; and

6. Such other relief, including injunctive and/or declaratory relief, as the court may deem proper.

Dated: _____

Respectfully submitted,

(*Name of Plaintiff*)

By: _____

(*Name of Plaintiff's Attorney*)

State Bar No. _____

Attorney for Plaintiff

OF COUNSEL:

(*Name of Plaintiff's Attorney*)

Post Office Box _____ - _____

City, State, Zip Code

Telephone: _____ - _____ - _____