

FILED
BILLINGS DIV.
2007 JUN 11 AM 10 43
PATRICK E. DUFFY, CLERK
BY _____
DEPUTY CLERK

Check the box next to the best description of your cause of action. **Choose only one:**

- Prisoner Civil Rights
- Non-Prisoner Civil Rights
- Personal Injury/Tort
- Tax Collection Practices
- Employment Discrimination
- Other (specify) _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

BILLINGS

DIVISION

(You must fill in this blank. See Instruction 6.)

AMBER ANNETTE STONE

Cause No. CV-07-81-BLG-RFC-CSO
(to be filled in by Clerk of Court)

(Enter above the full name of each plaintiff, including prisoner number, if any.)

Plaintiffs,

vs.

VINCENT KIETH BLACKHAWK

COMPLAINT

- Jury Trial Demanded
- Jury Trial Not Demanded

(Enter above the full name of each defendant.)

Defendants.

INSTRUCTIONS

1. Use this form to file a civil complaint with the United States District Court for the District of Montana. You may attach additional pages where necessary.
2. Your complaint must include only counts/causes of action and facts – not legal arguments or citations.
3. Your complaint must be typed or legibly handwritten. All pleadings and other papers submitted for filing must be on 8 1/2" x 11" paper (letter size). Each plaintiff must sign the complaint (see page 6). The signatures need not be notarized. However, each signature must be an original and not a copy. You must pay the Clerk for

Plaintiff's Last Name STONE

copies of your complaint or other court records, even if you are proceeding in forma pauperis.

- 4. Until April 10, 2006, the filing fee for a complaint is \$250.00. Beginning on April 10, 2006, the filing fee for a complaint is \$350.00. The filing fee is set by Congress and cannot be changed by the Court. In addition, you will be required to pay the cost of serving the complaint on each of the defendants. If you are unable to prepay the entire filing fee and service costs for this action, you may move to proceed in forma pauperis. **Your complaint will be returned to you without filing if it is not accompanied by either the full filing fee or a motion to proceed in forma pauperis.** Please note that prisoners proceeding in forma pauperis are required to pay the full filing fee in installments.
- 5. Complaints submitted by persons proceeding in forma pauperis and complaints submitted by prisoners suing a governmental entity or employee are reviewed by the Court before the defendants are required to answer. See 28 U.S.C. §§ 1915(e)(2), 1915A(a); 42 U.S.C. § 1997e(c). After the Court completes the review process, you will receive an Order explaining the findings and any further action you may or must take. The review process may take a few months; each case receives the judge's individual attention.
- 6. The case caption (page 1 of this form) must indicate the proper Division for filing. A Division where the alleged wrong(s) occurred is a proper Division. When you have completed your complaint, mail the *original* of your complaint and either the full filing fee or your motion to proceed in forma pauperis to the proper Division:

Billings Division: Clerk of U.S. District Court, 316 N. 26th, Room 5405, Billings, MT 59101
 (Big Horn) Carbon, Carter, Custer, Dawson, Fallon, Garfield, Golden Valley, McCone, Musselshell, Park, Petroleum, Powder River, Prairie, Richland, Rosebud, Stillwater, Sweetgrass, Treasure, Wheatland, Wibaux or Yellowstone County)

Butte Division: Clerk of U.S. District Court, 400 N. Main St., Federal Bldg. Rm. 303, Butte, MT 59701
 (Beaverhead, Deer Lodge, Gallatin, Madison, or Silver Bow County)

Great Falls Division: Clerk of U.S. District Court, 215 1st Ave. North, P.O. Box 2186, Great Falls, MT 59403
 (Blaine, Cascade, Chouteau, Daniels, Fergus, Glacier, Hill, Judith Basin, Liberty, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole, or Valley County)

Helena Division: Clerk of U.S. District Court, Paul G. Hatfield Courthouse, 901 Front St., Ste 2100, Helena, MT 59626
 (Broadwater, Jefferson, Lewis & Clark, Meagher, or Powell County)

Missoula Division: Clerk of the U.S. District Court, 201 E. Broadway, P.O. Box 8537, Missoula, MT 59807
 (Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli, or Sanders County)

COMPLAINT

I. PLACE OF CONFINEMENT:

A. Are you incarcerated? Yes No (if No, go to Part II)

B. If yes, where are you currently incarcerated? _____

C. If any of the incidents giving rise to your complaint occurred in a different facility, list that facility:

Plaintiff's Last Name STONE

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

A. Non-Prisoners

- 1. Does any cause of action alleged in this complaint require you to exhaust administrative remedies before filing in court? Yes No Don't Know
- 2. If yes, have you exhausted your administrative remedies? Yes No

B. Prisoners (If you listed other institutions in I.C above, please answer for each institution).

- 1. Is there a grievance procedure in your current institution? Yes No
- 2. Did you file an administrative grievance based upon the same facts which form the basis of this lawsuit? Yes No
- 3. If you did not file an administrative grievance, explain why:

III. PARTIES TO CURRENT LAWSUIT

A. Name of Plaintiff AMBER ANNETTE STONE
Mailing Address P.O. BOX 361 WYOLA, MT 59089

(Please use additional sheets of paper to provide the names and addresses of any additional plaintiffs.)

B. Defendant VINCENT KLETH BLACKHAWK is employed as
NOT EMPLOYED at _____
(Position and Title, if any) (Institution/Organization)

Defendant _____ is employed as
_____ at _____
(Position and Title, if any) (Institution/Organization)

Defendant _____ is employed as
_____ at _____
(Position and Title, if any) (Institution/Organization)

Defendant _____ is employed as
_____ at _____
(Position and Title, if any) (Institution/Organization)

Defendant _____ is employed as

Plaintiff's Last Name STONE

_____ at _____
(Position and Title, if any) (Institution/Organization)

(Please use additional sheets of paper to provide the same information about any additional defendants.)

IV. STATEMENT OF CLAIMS

A. Count 1 (State your cause of action, e.g., violation of civil rights):

I WAS SOLD LAND HELD IN NATIVE TRUST BY THE FEDERAL GOVERNMENT BUT THE DEFENDANT NEVER TRANSFERRED THE LAND INTO MY NAME AFTER TAKING MY MONEY

VINCENT "KEITH" BLACKHAWK OFFERED TO SELL ME A PIECE OF LAND ON THE CROW RESERVATION. I ACCEPTED HIS OFFER AND PAID HIM A TOTAL OF \$3000⁰⁰ FOR 9.45 ACRES OFFERED AND RECEIVED A NOTORIZED BILL OF SALE FOR THE LAND. MR BLACKHAWK REFUSED TO GO TO B.I.A. AND SIGN THE DEED OVER AFTER 2 YEARS OF PROMISING TO START

MAKING EXCUSES WHY HE DIDNT. VINCENT KEITH BLACKHAWK SOLD ME SOME LAND BUT JUST TOOK MY MONEY AND NEVER SIGNED THE LAND OVER INTO MY ^{NAME} AFTER GIVING ME A BILL OF SALE FOR IT. HE ALSO MISREPRESENTED THE SHAPE AND SIZE OF THE LAND HE SOLD ME.

If you have additional counts/causes of action, attach extra sheets. Set forth two paragraphs for each count, one consisting of Supporting Facts (following the directions under IV.A(1)), and one consisting of Defendants Involved (following the directions under IV.A(2)).

Plaintiff's Last Name STONE

V. INJURY

How have you been injured by the actions of the defendant(s)? You must state as specifically as possible the actual injury you suffered from the actions of each individual defendant:

MR BLACKHAWK TOOK MY HARD EARNED MONEY AND I HAVE NOT BEEN ABLE TO LIVE ON THE LAND. ALL THE WHILE HE HAS BEEN LEASING IT TO SEVERAL DIFFERENT PARTIES ILLEGALLY MAKING MONEY OFF OF IT. I HAVE BEEN FORCED TO LIVE IN MY GRAND PARENTS BACK YARD AS I DO NOT HAVE A DEED FOR THE LAND AND CAN NOT MOVE MY TRAILER ONTO IT. THIS HAS BEEN A GREAT HARSHIP FOR ME.

VI. RELIEF

State briefly and precisely what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

I AM IN HOPE THE COURT WILL DIRECT THE BUREAU OF INDIAN AFFAIRS TO CHANGE THE DEED INTO MY NAME, ORDER MR BLACKHAWK TO PAY ME A FAIR LEASE PRICE FOR SUSLEASING MY LAND AND PAY MY LEGAL FEES INCURRED TO SEE JUSTICE WAS DONE TO GET THE LAND PUT INTO MY NAME AFTER HE ENTERED INTO A CONTRACT SELLING IT TO ME. I DO NOT WANT THE MONEY I GAVE MR BLACKHAWK RETURNED TO ME. I JUST WANT TO MOVE MY TRAILER ONTO THE LAND I BOUGHT AND PROCEED WITH MY LIFE!

Plaintiff's Last Name

STONE

VII. PLAINTIFF'S DECLARATION

- A. I understand that I must keep the Court informed of my current mailing address and that my failure to do so may result in dismissal of this Complaint without actual notice to me.
- B. I declare under penalty of perjury that I am the plaintiff in the above action, that I have read the above complaint, and that the information I have set forth within it is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.
- C. (Prisoners Only) This Complaint was deposited in the prison system for legal mail, postage prepaid or paid by the prison, on _____, 20_____.

Executed at Billings MT. on June 11, 2007.
 (Location) (Date)

Amber Stone
 Signature of Plaintiff

(If there is more than one Plaintiff, each Plaintiff must sign the complaint using a separate declarations page).

Rev'd March 2006

Plaintiff's Last Name STONE

Complaint
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