



Alleging a Civil Rights Conspiracy: Tip Sheet

Q: How do I allege that defendants conspired to violate my civil rights, in violation of 42 U.S.C. § 1985?

A: Under Section 1985, you must allege facts that show the conspirators made an agreement—that they had a “meeting of the minds”—to violate your rights by acting together.

- Good example: *At a July 2015 meeting, Mr. A and Mr. B agreed that Mr. A would file a false report accusing the Plaintiff of trespassing on Mr. A’s property, and Mr. B would do the same thing one week later, to make it look like the Plaintiff had a habit of trespassing.*
- Bad example: *Mr. A probably made a bogus 911 call on January 2, 2014 to get Plaintiff arrested.*

Q: How do I allege a conspiracy to violate my civil rights under 42. U.S.C. § 1983?

A: Under Section 1983, you must allege that a “state actor” was involved in the conspiracy because Section 1983 does not apply to private citizens.

- Good example: Conspiracy between a state actor + state actor
 - *Police officer A agreed with supervisor B to fabricate reports to make it appear as if there were years of complaints against Plaintiff for causing leaks and disturbing other tenants.*

This Tip Sheet, last updated 6/18/18, is designed to provide information to pro se civil litigants in Colorado. It is not a substitute for legal advice from an experienced attorney. If you have any questions, please call the Federal Pro Se Clinic at (303) 380-8786.



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- Good example: Conspiracy between a state actor + private citizen
 - *Denver Health supervisor C coordinated with Plaintiff's ex-spouse to create a false medical record to support their lie that Plaintiff required psychiatric hospitalization against her will.*
- Bad example: Conspiracy between a state actor + private citizen
 - *Plaintiff's ex-spouse has friends in high places at Denver Health, and the spouse may have used those connections to have Plaintiff detained in the psychiatric ward.*

Bonus Tip: You CANNOT allege a Section 1983 conspiracy between a private citizen + private citizen because Section 1983 ONLY applies to state action.

- Bad example: *Stranger E and Plaintiff's cousin F stole Plaintiff's political yard signs and threw them in the dumpster, violating Plaintiff's Free Speech rights.*
- Good example: Trick question! There is no good example, because you cannot allege a Section 1983 conspiracy between two private actors unless one of them is acting "under color" of state law.
- Color of Law: *acts done beyond the bounds of official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties.*

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