**ANNOTATIONS AND COMMENTS**

1. **General Use**

This instruction may be incorporated into any applicable § 1983 instructions when there is a claim against an individual defendant or defendants. In such case, jury interrogatories applicable to the government entity should be added if a special verdict form is used.

1. **Elements**

This charge is derived from *AFL-CIO v. City of Miami, Fla.*, 637 F.3d 1178, 1187 (11th Cir. 2011). A government entity may not be held liable under § 1983 absent a finding that an individual, typically an individual named as a defendant in the case, violated the plaintiff’s constitutional rights. *See, e.g.*, *Garczynski v. Bradshaw*, 573 F.3d 1158, 1170-71 (11th Cir. 2009).

1. **Punitive Damages**

As discussed in the annotations following Pattern Instruction 5.13, *infra*, punitive damages may not be assessed against a government entity.