**ANNOTATIONS AND COMMENTS**

1. **General Use**

This instruction may be incorporated into applicable § 1983 instructions against an individual defendant or defendants. To minimize confusion, it is suggested that the supervisor and subordinate be referenced by their actual names rather than by generic terms such as “Supervisor” and “Subordinate.”

1. **Elements**

The instruction is derived from *Mathews v. Crosby*, 480 F.3d 1265, 1270 (11th Cir. 2007), and the definition of “official policy or custom” provided in Pattern Instruction 5.10, *supra*.

A supervisory liability claim fails absent a violation of plaintiff’s constitutional rights by a subordinate. *See, e.g.*, *Beshers v. Harrison*, 495 F.3d 1260, 1264 n.7 (11th Cir. 2007).