

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

TERRENCE POUNCEY

*

Plaintiff,

*

v.

*

1:11-CV-30-TMH
(WO)

DOTHAN CITY JAIL, *et al.*,

*

Defendants.

*

ORDER ON MOTION

Before the court is Plaintiff’s motion to amend to name the City of Dothan as a defendant to the instant cause of action. Plaintiff maintains that the Dothan City Jail is owned and operated by the City of Dothan.¹ Upon consideration of the motion to amend, the court concludes that the motion shall be denied.

Although the Supreme Court has held that counties (and other local government entities) are “persons” within the scope of § 1983, and subject to liability, Plaintiff cannot rely upon the theory of *respondeat superior* to hold the City of Dothan liable. *See Monell v. Dep’t. of Soc. Servs.*, 436 U.S. 658, 692 (1978) (finding that § 1983 “cannot be easily read to impose liability vicariously on governing bodies solely on the basis of the existence of an employer-employee relationship with a tortfeasor”); *Pembaur v. Cincinatti*, 475 U.S. 469,

¹In the Recommendation of the Magistrate Judge entered January 19, 2011, the court has recommended dismissal of the Dothan City Jail as a defendant. (*See Doc. No. 5.*)

