

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

WILLIE JAMES WRIGHT, #3998 *

Plaintiff, *

v. *

2:08-CV-965-WKW
(WO)

MEDICAL STAFF IN THE M.C.D.F. - *

DR. BATES, *et al.*, *

Defendants. *

ORDER ON MOTION

Upon consideration of Plaintiff’s January 28, 2009 pleading, construed as a motion for leave to file a motion to amend complaint, and upon consideration of the motion, it is

ORDERED that the motion for leave to file a motion to amend complaint (*Doc. No. 15*) be and is hereby GRANTED.

In the pending motion, Plaintiff requests that he be allowed to amend his complaint to name Quality Correctional Health Care as a defendant. In support of the motion, Plaintiff asserts that Quality Correctional Health Care has contracted with Montgomery County, Alabama, “to provide adequate health care to the inmate[s] of the Montgomery County Detention Facility.” He, therefore, contends that this health care provider is solely responsible for the proper medical care of inmates detained in the county jail.

The basis for Plaintiff's claim against Quality Correctional Health Care is that it is

responsible for the care and treatment of inmates confined in the Montgomery County Detention Facility. In a § 1983 action, the corporate medical provider for prison inmates cannot be held liable under a theory of *respondeat superior* for the acts of its employees. *See Ort v. Pinchback*, 786 F.2d 1105, 1107 (11th Cir. 1986); *accord Buckner v. Toro*, 116 F.3d 450, 452-53 (11th Cir. 1997), (finding that § 1983's municipality law is to be applied to a corporate medical provider); *Oklahoma City v. Tuttle*, 471 U.S. 808, 820 (1981); *see also Monell v. Department of Social Services of the City of New York*, 436 U.S. 658, 691 (1978) (ruling that a municipality cannot be held liable in a § 1983 action under the theory of *respondeat superior* simply because it employs a tortfeasor).

In light of the foregoing, it is

ORDERED that the motion to amend complaint to name Quality Correctional Health Care as a defendant be and is hereby DENIED.

DONE, this 28th day of January 2009.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE