

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

Before the court is Plaintiff's motion for leave to file a motion for reconsideration.

Upon consideration of the motion, it is

ORDERED that the motion for leave to file a motion for reconsideration (*Doc. No. 23*) be and is hereby GRANTED.

Plaintiff seeks reconsideration of his request that he be allowed to amend his complaint to name Quality Correctional Health Care as a defendant. The court denied the motion to amend finding that Plaintiff's theory of liability against the proposed defendant, *i.e., respondeat superior*, did not state a viable claim for relief in this action. (*See Doc. No. 16.*)

In support of his request that the court reconsider its January 28, 2009 order denying his motion to amend, the court notes that Plaintiff sets forth the correct legal argument for

supervisory liability. He then asserts in further support of his motion that “Quality Correctional Health Care is indeed responsible both causally and directly for the actions of its employees because there are many lawsuits that have been filed against doctor Johnny E. Bates, and the medical department as a whole,” and that “Quality Correctional Health Care [is] . . . the main defendant solely responsible for damage inflicted by their employee’s negligent actions.” (*Doc. No. 23, at 3-4.*)

Because the basis for Plaintiff’s claim against Quality Correctional Health Care remains grounded in a theory of *respondeat superior* for the acts of its employees, the undersigned concludes that Plaintiff’s motion to reconsider is due to be denied. *See Oklahoma City v. Tuttle*, 471 U.S. 808, 820 (1981); *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658, 691 (1978).

In light of the foregoing, it is

ORDERED that the motion to reconsider be and is hereby DENIED.

DONE, this 6th day of February 2009.

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