

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

S.T., a minor, who sues by)
and through her father and)
next friend,)
Richard Teeter,)
)
Plaintiff,)
)
v.)
)
ANTHONY SIM ISBELL,)
in his individual and)
and official capacities,)
et al.,)
)
Defendants.)

CIVIL ACTION NO.
2:09cv616-MHT
(WO)

ORDER

On July 12, 2010, the court entered an order denying plaintiff S.T.'s motion for default judgment on her claims against defendant Anthony Sim Isbell in his 'official capacity' and granted her motion with respect to her claims against Isbell in his 'individual capacity.' The court explained that, "[A] judgment against a public servant 'in his official capacity' imposes liability on the entity he represents," and noted that, "In this case, there is no evidence that the entity Isbell allegedly

represents received notice and an opportunity to respond to S.T.'s complaint." Op. at 5-6 (Doc. No. 36) (citation and quotation marks omitted).

S.T.'s complaint was filed more than a year ago, on June 30, 2009. Given the length of time that has passed, and given the above-discussed reasons for denying, in part, S.T.'s motion for default judgment, it is ORDERED that plaintiff S.T. show cause, if any there be, in writing by August 9, 2010, as to why her claims against defendant Anthony Sim Isbell in his 'official capacity' should not be dismissed.

DONE, this the 20th day of July, 2010.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE