

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

NATHANIEL HAYES, #172136,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:11-CV-38-ID
)	CIVIL ACTION NO. 2:11-CV-44-ID
)	[WO]
)	
ALA. DEPT. OF CORRECTIONS)	
COMMISSIONER, et al.,)	
)	
Defendants.)	

ORDER ON MOTION

On March 18, 2011, the plaintiff filed a motion for leave to amend in which he seeks to name the warden of Donaldson Correctional Facility as a defendant and challenge actions currently being taken against him at such facility (Court Doc. No. 61). Donaldson Correctional Facility is located within the jurisdiction of the United States District Court for the Northern District of Alabama. Thus, the actions occurring at this facility and the individuals personally responsible for such actions are located in the Northern District of Alabama. Although the plaintiff asserts the "ADOC Central Office" which is located in the Middle District of Alabama " has supplemental jurisdiction over the subsidiary entity of Dondalson[,] the law is well settled that there is no respondeat superior or vicarious liability for § 1983 claims. *Marsh v. Butler County*, 268 F.3d 1014, 1035 (11th Cir. 2001); *Miller v. King*, 384 F.3d 1248, 1261 (11th Cir. 2004) (“[S]upervisory officials are not liable under § 1983 for the unconstitutional acts of their subordinates on the basis of respondeat superior or vicarious liability.”); *Gonzalez v. Reno*, 325 F.3d 1228, 1234 (11th Cir.2003) (supervisory officials not liable on the basis of respondeat superior or vicarious liability). Accordingly, it is

ORDERED that the motion for leave to amend be and is hereby DENIED.

The plaintiff is advised that if he seeks to proceed on the claims presented in this motion he may do so by filing a separate 42 U.S.C. § 1983 action in the United States District Court for the Northern District of Alabama.

Done this 21st day of March, 2011.

/s/ Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE