

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ALLEN POLK, #1902-11

PLAINTIFF

v.

No. 4:11CV00500 JLH-JJV

CITY OF NORTH LITTLE ROCK,
ARKANSAS; *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge Joe J. Volpe and Allen Polk's objections. After carefully considering the objections and making a *de novo* review of the record, the Court concludes that the Proposed Findings and Recommended Partial Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects, with the following additional comments.

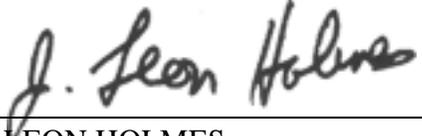
Allen Polk has filed a response to the findings and recommended disposition in which he notes that he had filed a supplement to his complaint, along with a brief, which he hoped would correct the deficiencies that were subsequently identified by Magistrate Judge Volpe with respect to Polk's claims against the City of North Little Rock and Danny Bradley. Magistrate Judge Volpe has pointed out that the City of North Little Rock and Danny Bradley as a supervisor cannot be held liable vicariously for the conduct of the employees of the City but may be held liable for failing to train employees adequately and may be liable when they have notice that the policies and procedures are inadequate and are likely to result in the violation of citizens' constitutional rights. Polk alleges that the City and Danny Bradley permitted a policy and procedure of not locking and leaving the ignition keys in vehicles owned by the City of North Little Rock, and he contends that this policy proximately caused his injuries. The Court does not believe that a policy of leaving vehicles

unlocked with keys in the ignition is the sort of policy that is contemplated by the law when the law authorizes claims against municipal governments or supervisors based on deliberate indifference to the constitutional rights of citizens. Consequently, even considering the allegations in Polk's supplemental complaint, the complaint still fails to state a claim for relief against the City of North Little Rock, Arkansas, and Danny Bradley.

IT IS, THEREFORE, ORDERED that:

1. Polk's claims against the City of North Little Rock and Danny Bradley are DISMISSED for failure to state a claim upon which relief may be granted.
2. Polk's failure to follow procedure claim against defendant Jay Boody is DISMISSED for failure to state a claim upon which relief may be granted.

DATED this 4th day of August, 2011.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE