

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

RALPH BUNTON

PLAINTIFF

v.

No. 4:13CV00610-JLH-JTK

JOHN RANDALL, et al.

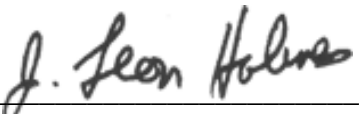
DEFENDANTS

ORDER

The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. After a review of those proposed findings and recommendations, and the timely objections received thereto, as well as a *de novo* review of the record, the Court adopts them in their entirety with the following additional comments. The magistrate judge recommended Bunton's amended complaint against John Randall, Lloyd Vincent, Andy Shock, and "Prosecutor Finkleburg" be dismissed because there were no allegations against them in the amended complaint. Bunton has responded by saying that Shock is the Sheriff of Faulkner County and should be responsible for actions of anyone under his staff; Randall is the Major at the Faulkner County Detention Center and should be held responsible for anyone in the custody of his jail; and Vincent is the Captain of the Faulkner County Detention Center and is over all of the correctional staff and should be informed of anyone who has been placed under his care. These arguments are tantamount to asserting that these three defendants are responsible under the doctrine of *respondeat superior*, pursuant to which an employer or supervisor sometimes may be liable for an employee's misconduct. That doctrine does not apply in cases brought under 42 U.S.C. § 1983. *Bell v. Kansas City Police Dept.*, 635 F.3d 346, 347 (8th Cir. 2011). Rather, a supervisor is liable only for his own misconduct and not for the misdeeds of his agents under *respondeat superior*. *Wagner v. Jones*, 664 F.3d 259, 275 (8th Cir. 2011).

IT IS, THEREFORE, ORDERED that defendants Randall, Vincent, Finkleburg, and Shock are DISMISSED from plaintiff's complaint for failure to state a claim upon which relief may be granted.

IT IS SO ORDERED this 19th day of December, 2013.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE