

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**ROBERT JEFFREY BRADY
ADC #116780**

PLAINTIFF

V.

CASE NO. 5:14-CV-0103 JLH/BD

RAY HOBBS, et al.

DEFENDANTS

ORDER

Robert Jeffrey Brady, an Arkansas Department of Correction (“ADC”) inmate, filed this lawsuit pro se alleging that Defendants failed to protect him from being attacked by another ADC inmate. As a result of the attack, Mr. Brady claims that his leg had to be amputated. Mr. Brady’s complaint, however, is flawed and must be amended.

First, Mr. Brady asks for compensatory and punitive damages, but he names the Defendants in their official capacities only. Mr. Brady cannot recover monetary damages against a state actor in his official capacity. *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 109 S.Ct. 2304 (1989).

Second, based on the allegations contained in his complaint, it is unclear whether Mr. Brady seeks to pursue a claim regarding the Defendants’ failure to provide him adequate medical treatment.

Third, although Mr. Brady names Ray Hobbs as a Defendant, it appears that he seeks to hold him liable based on his supervisory position within the ADC. In a § 1983 action, a supervisor cannot be held liable for the constitutional violations of a subordinate based solely on the employment relationship. *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1948

(2009); *Parrish v. Ball*, 594 F.3d 993, 1001 (8th Cir. 2010); see also *Keeper v. King*, 130 F.3d 1309, 1314 (8th Cir. 1997) (holding that the “general responsibility for supervising the operations of a prison is insufficient to establish the personal involvement required to support [§ 1983] liability”). Therefore, a prisoner “must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution.” *Iqbal*, 129 S.Ct. at 1448.

Accordingly, Mr. Brady must amend his complaint. In his amended complaint, he must specifically state whether he is suing the Defendants in their individual capacities. Further, he must clarify whether he is suing Defendants only for failing to protect him or whether he is also claiming that Defendants failed to provide adequate medical treatment. Mr. Brady must specifically explain how each named Defendant violated his constitutional rights and caused him injury. Mr. Brady must file an amended complaint within thirty days.

IT IS SO ORDERED this 21st day of March, 2014.


UNITED STATES MAGISTRATE JUDGE