

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

NOAH STEFFY

PLAINTIFF

v.

Civil No. 13-2113

SODEXO, INC.; JIM HUFFMAN;  
SUSAN SHERWOOD; and REBECCA  
ATWOOD

DEFENDANTS

O R D E R

Now on this 10th day of September, 2013, come on for consideration the **Report And Recommendation Of The Magistrate Judge** (document #8) and plaintiff's **Objection With Request To Amend With Pendant State Law Claims And Motion For Appointment Of Counsel** (document #11), and the Court, being well and sufficiently advised, finds and orders as follows:

1. Plaintiff claims that defendants discriminated against him on the basis of his gender and his religion. He moved for leave to proceed *in forma pauperis*, and the motion was referred to Magistrate Judge Erin L. Setser.

2. Judge Setser evaluated the Complaint as required to determine whether plaintiff should be allowed to proceed *in forma pauperis*. She reported that his claims against Jim Huffman, Susan Sherwood, and Rebecca Atwood were subject to dismissal because supervisors cannot be held individually liable under Title VII. Judge Setser directed service of the Complaint on Sodexo, Inc., by separate order.

3. Plaintiff objects that he thinks "supervisors and/or employees acting under employer/company policy and/or practices which are subject to Title VII, those individuals should be held to the same standard as the parent company." He also contends that the individual employees conspired to deprive him of his civil rights and to intentionally inflict emotional distress on him. Finally, he contends that, given the complexity of the issues, justice would be served by appointing him counsel.

4. Plaintiff's objection to the Report And Recommendation is without merit and will be overruled. Supervisors cannot be held liable in their individual capacities under Title VII. **Bales v. Wal-Mart Stores, Inc.**, 143 F.3d 1103, 1111 (8th Cir. 1998). Nor can co-workers. **Lenhardt v. Basic Institute Of Technology, Inc.**, 55 F.3d 377, 380 (8th Cir. 1995).

5. Plaintiff's request to amend, to assert other claims against Jim Huffman, Susan Sherwood, and Rebecca Atwood, will be denied without prejudice to its renewal in the manner required by **Local Rule 5.5**. The **Local Rules For The U.S. District Court, Eastern And Western Districts Of Arkansas**, may be accessed at the Court's website, [www.arwd.uscourts.gov](http://www.arwd.uscourts.gov).

6. Plaintiff's motion for appointment of counsel will be denied. Title VII cases are "fee generating" cases, in that successful litigants can petition the Court for an award of attorney fees. **42 U.S.C. § 2000e-5(k)**. Such cases are often

handled by attorneys at no charge to the client, on the hope that success will ensue and a court-awarded fee will be forthcoming, and plaintiff is encouraged to explore this option. Should plaintiff fail to locate an attorney to represent him, the Court notes that these are not usually very complex, and it is anticipated that plaintiff will be able to continue on a *pro se* basis without doing violence to the notion of justice.

**IT IS THEREFORE ORDERED** that the **Report And Recommendation Of The Magistrate Judge** (document #8) is **adopted**, and plaintiff's **Objection** (document # 11) thereto is **overruled**.

**IT IS FURTHER ORDERED** that plaintiff's claims against Jim Huffman, Susan Sherwood, and Rebecca Atwood are **dismissed with prejudice**.

**IT IS FURTHER ORDERED** that plaintiff's **Request To Amend With Pendant State Law Claims** (document #11) is **denied without prejudice**.

**IT IS FURTHER ORDERED** that plaintiff's **Motion For Appointment Of Counsel** (document #11) is **denied**.

**IT IS SO ORDERED.**

/s/ Jimm Larry Hendren  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE