

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JASON WEAVER

PLAINTIFF

v.

Civil No. 4:08-cv-04120

MILLER COUNTY, ARKANSAS;
SHERIFF RAMBO; and
SGT. DOLLY SIMMONS

DEFENDANTS

ORDER

On May 12, 2009, an answer (Doc. 7) was filed on behalf of Sheriff Rambo and Dolly Simmons. The answer does not indicate it was filed on behalf of Miller County. However, under Arkansas law the Sheriff is charged with the care and custody of County prisoners. *See* Ark. Code Ann. § 12-41-502 (1987). When the Sheriff is delegated authority, his policies represent County policy and can give rise to governmental liability. *See e.g., Pembaur v. City of Cincinnati*, 475 U.S. 469, 483 n. 12, 106 S. Ct. 1292, 89 L. Ed. 2d 452 (1986). Moreover, a claim against the Sheriff in his official capacity is the equivalent of a claim against Miller County. *See e.g., Liebe v. Norton*, 157 F.3d 574, 578 (8th Cir. 1998).

Thus, the answer filed on behalf of Sheriff Rambo also constitutes an answer on behalf of Miller County. **The clerk is directed to note on the docket sheet that the answer filed on behalf of Sheriff Rambo also constitutes an answer on behalf of Miller County. Further, the clerk should note on the docket sheet that Miller County is represented by the same counsel as Sheriff Rambo.** If counsel is not going to represent Miller County, he should so notify the court within ten days by filing a motion to withdraw.

IT IS SO ORDERED this 2nd day of September 2009.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE