

1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 JUMAH ALI-THOMAS MOORE,

No. C 06-02357 SBA (PR)

4 Plaintiff,

**ORDER DISMISSING SUPERVISORY  
 LIABILITY CLAIM AGAINST  
 DEFENDANT WOODFORD**

5 v.

6 JEANNE WOODFORD, et al.,

7 Defendants.  
 8 \_\_\_\_\_/

9 On September 30, 2008, the Court issued an Order of Service and directed Plaintiff to amend  
 10 his supervisory liability claim against Defendant Woodford. The Court gave Plaintiff until October  
 11 30, 2008 to file an amendment to the complaint. He was warned the failure to do so would result in  
 12 dismissal of his supervisory liability claim without prejudice.

13 In an Order dated November 10, 2008, the Court granted Plaintiff's request for an extension  
 14 of time to file his amendment to the complaint.

15 On November 17, 2008, Plaintiff filed his amendment to the complaint. In the amendment,  
 16 Plaintiff states that Defendant Woodford

17 failed to supervise the distribution of sufficient drinking water to the plaintiff after  
 18 the Salinas Valley State Prison (SVSP) medical personnel had informed defendant  
 19 Woodford to provide the plaintiff with double and triple portion rations of drinking  
 20 water due to medications. This inaction of defendant Woodford to fail to supervise  
 21 defendants Seller, Lamarque, Zavala, Caden, Parin and Ortiz in the distribution of  
 22 drinking water to the plaintiff by defendant Woodford then cause the Eighth  
 23 Amendment violation of deliberate indifference and cruel and unusual punishment  
 24 to occur against the plaintiff.

(Am. to Compl. at 2.)

25 Plaintiff claims that because Defendant Woodford is the Director of the California  
 26 Department of Corrections and Rehabilitation, she should be liable for the alleged deficiencies of  
 27 distribution of drinking water at SVSP.<sup>1</sup> This is a respondeat superior claim, that is, Plaintiff seeks

28 \_\_\_\_\_  
<sup>1</sup> Plaintiff does not provide any facts to support his allegation that medical personnel directly  
 contacted Defendant Woodford about his drinking water requirements. Therefore, the Court  
 construes his allegation to mean that SVSP medical personnel only had contact with Defendants  
 Seller, Lamarque, Zavala, Caden, Parin and Ortiz, all of whom were allegedly not properly  
 supervised by Defendant Woodford.

1 to hold Defendant Woodford liable because she is the supervisor of the persons he contends violated  
2 his rights. This is, however, not a proper basis for liability under 42 U.S.C. § 1983. See Taylor v.  
3 List, 880 F.2d 1040, 1045 (9th Cir. 1989). Therefore, nothing in the amendment is sufficient to  
4 overcome the deficiency of his claim against Defendant Woodford which gave rise to the dismissal  
5 with leave to amend.

6 Accordingly, IT IS HEREBY ORDERED that the supervisory liability claim against  
7 Defendant Woodford is dismissed without further leave to amend.

8 IT IS SO ORDERED.

9 DATED: 12/8/08

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

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5  
6 MOORE et al,

Case Number: CV06-02357 SBA

7 Plaintiff,

**CERTIFICATE OF SERVICE**

8 v.

9 WOODFORD et al,

10 Defendant.  
\_\_\_\_\_/

11  
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
Court, Northern District of California.

13 That on December 11, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said  
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
located in the Clerk's office.

16  
17 Thomas Moore D-62389  
18 Pelican Bay State Prison  
P.O. Box 7000  
19 Crescent City, CA 95532

20 Dated: December 11, 2008

21 Richard W. Wiekling, Clerk  
By: LISA R CLARK, Deputy Clerk