

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

SEAN PATRICK REILLY,

Plaintiff,

v.

CASE NO. 4:12cv304-RH/CAS

LARRY CAMPBELL,  
and LUIS MORENO et al.,

Defendants.

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**ORDER DENYING LEAVE TO AMEND AND REMANDING TO  
MAGISTRATE JUDGE FOR FURTHER PROCEEDINGS**

This case is before the court on the magistrate judge's report and recommendation, ECF No. 26, and the objections, ECF No. 27. I have reviewed *de novo* the issues raised by the objections.

In Florida, a county sheriff is a constitutional officer separate and apart from the Board of County Commissioners. The county sheriff typically operates the county jail. The defendant Larry Campbell, in his official capacity as the Sheriff of Leon County, operates the Leon County jail. For claims like the plaintiff's, arising from policies in force at the Leon County jail, the proper official-capacity

defendant is the Sheriff, not the Board of County Commissioners. The plaintiff has alleged no facts indicating that the Board of County Commissioners enacted the policies at issue or had the capacity to do so.

**IT IS ORDERED:**

The report and recommendation is **ACCEPTED** and adopted as the court's opinion. The plaintiff's motion for leave to amend his complaint, ECF No. 23, is **DENIED**. This matter is remanded to the magistrate judge for further proceedings.

**SO ORDERED** on February 24, 2013.

s/Robert L. Hinkle  
United States District Judge