

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

DWIGHT J PORTER,

Plaintiff,

v.

CASE NO. 5:10-cv-00206-RS-GRJ

BAXTER, et al,

Defendants.

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ORDER

Presently before the Court is Plaintiff's Second Amended Complaint. (Doc. 23).

The Second Amended Complaint is sufficient to alert the Defendants – with the exception of The GEO Group – to the basis and nature of the claims against them. With regard The GEO Group, however, Plaintiff has failed to explain how the GEO Group, as the corporate employer of the named defendants, is connected to or responsible for the actions of the individually named defendants for using excessive force, retaliating against Plaintiff, and for allegedly being indifferent to Plaintiff's medical needs

As the Court previously explained to Plaintiff, an employer generally is not responsible for the acts of its employees. (Doc. 20). Further, to allege a claim against the employer it is not enough simply to allege that Plaintiff was injured as a result of the Group's "official policy and custom" or that the Group acted in "bad faith." Rather, Plaintiff must identify the custom or policy of the Group which Plaintiff contends caused the claimed injuries. In the absence of such information, The GEO Group should not be named as a defendant in this case. Because the Plaintiff is proceeding *pro se* the

Court will provide Plaintiff with one last opportunity to allege a claim against The GEO Group.

Accordingly, it is **ORDERED**:

1. The Clerk shall mail to Plaintiff another complaint form which Plaintiff shall complete and return on or before **January 13, 2011**.

2. Failure to comply with this order within the time provided will result in a recommendation to the district judge that this cause be dismissed as to The GEO Group for failure to prosecute.

DONE AND ORDERED this 23rd day of December, 2010.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge