

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO.: 11-60165-CIV-COHN/WHITE

RONALD SMITH,

Plaintiff,

vs.

GLEN PEARSON, et. al.,

Defendants.

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**ORDER ADOPTING REPORT OF MAGISTRATE JUDGE AND DISMISSING  
DEFENDANT LAMBERTI**

This matter is before the Court on the Report of Magistrate Judge [DE 7] (“Report”). Plaintiff has filed no objections to the Report and the time for filing objections has passed. The Court has carefully reviewed the Report and is otherwise fully advised in the premises.

Plaintiff names the following individuals as defendants in this action: (1) Glen Pearson, a dentist; (2) Natalie Smith, a registered nurse; (3) Karen Davis, Vice President of Armor Correctional Health Care, Inc.; and (4) Sheriff Alfred Lamberti. Plaintiff alleges that he was seen by Dr. Pearson sometime in 2007 at the Broward County Main Jail. Dr. Pearson diagnosed Plaintiff with bleeding gums and loose teeth. Dr. Pearson therefore prescribed antibiotics to Plaintiff, but told Plaintiff that he could not clean Plaintiff’s teeth until Plaintiff was held at the Broward County Jail for a period of one year. Dr. Pearson informed Plaintiff that no prosthetic services were provided for detainees at the facility.

In December of 2008, Plaintiff submitted a grievance, claiming the denial of partial dentures by Dr. Pearson. Defendant Smith responded to Plaintiff’s grievance. Plaintiff claims Smith falsified the official document by stating that he had no trouble eating. Plaintiff submitted a writ of habeas corpus to the state court, and in March of 2008, Broward County Jail was ordered that he be seen by a dentist within thirty days and receive treatment. In October of 2010, a hearing was held with Broward County

Jail and Armor Health Care, represented by Defendant Karen Davis. The parties refused to have Plaintiff fitted for dentures. In November of 2010, Plaintiff had a recurrent gum infection and Dr. Pearson prescribed antibiotics. Dr. Pearson informed Plaintiff that he would be scheduled for a cleaning of the teeth remaining in his mouth. Plaintiff submitted sick call requests to be seen before his gums became infected. Dr. Pearson cleaned his teeth in December of 2010, but refused to prescribe pain medication or antibiotics. As a result of this delayed and poor treatment he claims he suffered pain, lost most of his teeth, and is able to eat only soft food. Based upon these allegations, Judge White determined that Plaintiff has stated a claim for denial of adequate medical attention against Defendants Pearson, Smith, and Davis.

However, Judge White also determined that Plaintiff failed to state a claim against Defendant Lamberti. Plaintiff's Complaint makes no specific allegations against Defendant Lamberti. Because public officials in supervisory positions cannot be held vicariously liable for the acts of their subordinates, see Byrd v. Clark, 783 F.2d 1002, 1008 (11th Cir. 1986), and liability in a section 1983 action cannot be predicated solely upon the doctrine of respondeat superior, see Monell v. Dep't of Social Servs., 436 U.S. 658 (1978), Plaintiff has failed to state a claim against Defendant Lamberti.

Accordingly, for the reasons set forth in the Report, it is **ORDERED AND ADJUDGED** as follows:

1. Judge White's Report [DE 17] is **ADOPTED**.
2. The claim against Defendant Lamberti in Plaintiff's Complaint [DE 1] is **DISMISSED**.
3. Service will be ordered on the remaining defendants

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida, this 13th day of April, 2011.

  
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JAMES I. COHN  
United States District Judge