

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

KAWASKI L. BUSH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO.: 1:11-CV-64 (WLS)
	:	
Leading Office GEORGE CAMP, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed May 23, 2011. (Doc. 7). It is recommended that three Defendants named in the *pro se* prisoner Plaintiff’s Complaint (Doc. 1) – the Dougherty County SWAT Team, the Dougherty County Jail, and Phoebe Putney Memorial Hospital – be dismissed pursuant to the required initial review performed under 28 U.S.C. § 1915A. (Doc. 7 at 2, 4-5). Plaintiff filed a timely Objection pursuant to both Judge Langstaff’s Report and Recommendation and 28 U.S.C. § 636(b)(1). (Doc. 10).

For the following reasons, the objections set forth in Plaintiff’s Objection (Doc. 10) are **OVERRULED** and United States Magistrate Judge Langstaff’s May 23, 2011 Report and Recommendation (Doc. 7) is **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein together with the reasons stated and conclusions reached herein. Accordingly, it is **ORDERED** that Defendants Dougherty County SWAT Team, Dougherty County Jail, and Phoebe Putney Memorial Hospital are **DISMISSED**.

The portion of Plaintiff’s Objection addressing Judge Langstaff’s recommended dismissal of Defendant Dougherty County SWAT Team is **OVERRULED**. The Court finds that

Plaintiff makes no argument that county SWAT teams in Georgia should be considered legal entities subject to suit under 42 U.S.C. § 1983. *See Dean v. Barber*, 951 F.2d 1210, 1214 (11th Cir. 1992) (“Sheriff’s departments and police departments are not usually considered legal entities subject to suit.”); *see also Lovelace v. Dekalb Cent. Prob.*, 144 Fed. App’x 793, 795 (11th Cir. 2005) (finding same under Georgia law). The Court finds that Plaintiff has failed to rebut the legally sound recommendation of Judge Langstaff regarding the recommended dismissal of Defendant Dougherty County SWAT Team.

The portion of Plaintiff’s Objection addressing Judge Langstaff’s recommended dismissal of Defendant Dougherty County Jail is **OVERRULED**. The Court finds that Plaintiff makes no argument that county jails in Georgia should be considered legal entities subject to suit under 42 U.S.C. § 1983. *See Brannon v. Thomas County Jail*, 280 Fed. App’x 930, 934 n.1 (11th Cir. 2008) (holding that a “County Jail is not an entity capable of being sued under Georgia law”). The Court finds that Plaintiff has failed to rebut the legally sound recommendation of Judge Langstaff regarding the recommended dismissal of Defendant Dougherty County Jail.

Finally, the portion of Plaintiff’s Objection addressing Judge Langstaff’s recommended dismissal of Defendant Phoebe Putney Memorial Hospital is **OVERRULED**. The Court finds that Plaintiff makes no assertion that Defendant Phoebe Putney Memorial Hospital had a policy or custom offensive to § 1983. *See Buckner v. Toro*, 116 F.3d 450, 452 (11th Cir. 1997) (“When a private entity ... contracts with a county to provide medical services to inmates, ... it becomes the functional equivalent of the municipality ... [and] the requirement of a municipal policy or custom constitutes an essential element of a § 1983 claim that a plaintiff must prove in order to establish municipal liability.”). The Court finds that Plaintiff has failed to rebut the legally

sound recommendation of Judge Langstaff regarding the recommended dismissal of Defendant Phoebe Putney Memorial Hospital.

For the foregoing reasons, the objections set forth in Plaintiff's Objection (Doc. 10) are **OVERRULED** and United States Magistrate Judge Langstaff's May 23, 2011 Report and Recommendation (Doc. 7) is **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein together with the reasons stated and conclusions reached herein. Accordingly, it is **ORDERED** that Defendants Dougherty County SWAT Team, Dougherty County Jail, and Phoebe Putney Memorial Hospital are **DISMISSED**.

SO ORDERED, this 16th day of June, 2011.

/s/ W. Louis Sands
THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT