IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

NICOLA C. HUDSON,)
Plaintiff,))
v.)) CIVIL ACTION NO. 5:12-CV-284 (MTT) \
MIDDLE FLINT BEHAVIORAL HEALTHCARE, TODD THOMPSON and DIANNE THOMASON,)))
Defendants.)))

<u>ORDER</u>

Before the Court is the Defendants' Answer (Doc. 7) to the Plaintiff's Complaint (Doc. 1). The Court construes the Defendants' Answer to move the Court for dismissal of individual defendants Todd Thompson and Dianne Thomason. As announced at the October 24, 2012, scheduling and discovery conference, that motion is **GRANTED**.

The Plaintiff brought her Complaint for employment discrimination based on race pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* Individual defendants are generally not proper defendants to such a claim. "The relief granted under Title VII is against the employer, not individual employees whose actions would constitute a violation of the Act." *Hinson v. Clinch Cnty.*, 231 F.3d 821, 827 (11th Cir. 2000) (quoting *Busby v. City of Orlando*, 931 F.2d 764, 772 (11th Cir. 1991)). *See also Dearth v. Collins*, 441 F.3d 931, 933 (11th Cir. 2006). The proper way for a plaintiff to recover under Title VII is to sue her employer by either naming the employer directly or by naming supervisory employees as agents of the employer. *Busby*, 931 F.2d at 772.

Here, Hudson has named Middle Flint Behavioral Healthcare as a defendant and has thereby sought relief against the correct defendant, her employer. Counsel for Middle Flint concedes that Middle Flint is the proper party. The Plaintiff gave no reason for joining Thompson or Thomason other than their participation in the allegedly discriminatory conduct. Naming Thompson and Thomason as defendants in their individual capacities is neither necessary nor proper. For these reasons, the Plaintiff's Title VII claims against Thompson and Thomason are **DISMISSED**.

SO ORDERED, this 25th day of October, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT