

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

TIMOTHY RENARD COLLINS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:12-CV-442 (MTT)
)	
GEO GROUP INC, et al.,)	
)	
Defendants.)	
)	

ORDER

This matter is before the Court on the Recommendation of United States Magistrate Judge Stephen Hyles. (Doc. 9). The Magistrate Judge, having reviewed the Complaint pursuant to 28 U.S.C. § 1915A, recommends dismissing Defendant Riverbend Correctional Facility because it is not an entity that can be sued under § 1983. The Magistrate Judge also recommends dismissing Defendants Warden Fredrick Head and Geo Group, Inc. because the Plaintiff’s Complaint does not include allegations connecting these Defendants to the alleged constitutional violations nor does it allege the prerequisites for imposing supervisor liability. The Plaintiff filed an objection to the Recommendation. (Doc. 10).

Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the Plaintiff’s objections and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects. The Plaintiff argues that Warden Head and Geo Group, Inc. should not be dismissed because they have a responsibility to ensure their employees are prepared for assaults by inmates on fellow inmates. “Supervisory officials cannot be held liable under § 1983 for the unconstitutional actions of their subordinates based on respondeat superior liability.” *Gray v. Bostic*, 458 F.3d

1295, 1308 (11th Cir. 2006) (internal citation omitted). Instead, “[a] claim based on supervisory liability must allege that the supervisor: (1) instituted a custom or policy which resulted in a violation of the plaintiff's constitutional rights; (2) directed his subordinates to act unlawfully; or (3) failed to stop his subordinates from acting unlawfully when he knew they would.” *Gross v. White*, 340 Fed. Appx. 527, 531 (11th Cir. 2009) (citing *Goebert v. Lee Cnty.*, 510 F.3d 1312, 1331 (11th Cir. 2007)). The Plaintiff has not alleged any of these prerequisites necessary to sustain a claim against Warden Head or Geo Group, Inc.

The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge, and the Recommendation is adopted and made the order of this Court. Defendants Riverbend Correctional Facility, Warden Fredrick Head and Geo Group, Inc. are **DISMISSED** as parties to this action. The Plaintiff’s claims against the remaining Defendants shall go forward.

SO ORDERED, this the 31st day of January, 2013.

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