



Next, Campbell's claims against Director Farmer in her individual capacity also will be dismissed. Campbell does not allege, with any specificity, what Director Farmer did (or failed to do) to cause him harm. Moreover, to the extent that Campbell suggests that Director Farmer is individually liable merely because she is a supervisor at the FCDC, the United States Court of Appeals for the Sixth Circuit has made it clear that, in a civil rights case, "liability must be based on more than respondeat superior, or the right to control employees." *Johnson v. Aramark*, 482 F. App'x 992, 993 (6th Cir. 2012) (quoting *Shehee v. Luttrell*, 199 F.3d 295, 300 (6th Cir. 1999)). Thus, Campbell has failed to state a claim against Director Farmer in her individual capacity.

The Court will allow Campbell to proceed on his claims against Director Farmer in her official capacity, which the Court construes as claims against Fayette County, Kentucky. *See Lambert*, 517 F.3d at 439-40 (citing *Alkire v. Irving*, 330 F.3d 802, 810 (6th Cir. 2003)). Campbell cites *Monell v. New York City Dep't of Soc. Servs.*, 436 U.S. 658 (1970), and his Complaint can be broadly construed as alleging that there are county policies or customs regarding how the FCDC is handling the COVID-19 pandemic that run afoul of his constitutional rights. [See Record No. 1 at 3, 6.]

Finally, because the Court previously granted Campbell pauper status, it will direct the Clerk's Office and the United States Marshals Service ("USMS") to serve Fayette County, Kentucky, with a Summons and copy of the Complaint on his behalf. *See* Fed. R. Civ. P. 4(c)(3) and 28 U.S.C. § 1915(d).

Accordingly, it is hereby **ORDERED** as follows:

1. Campbell's claims against Sergeant Abney in his individual and official capacities are **DISMISSED** with prejudice. The Clerk's Office shall **TERMINATE** Sergeant Abney as a defendant in this action.

2. Campbell's claims against Director Farmer in her individual capacity are **DISMISSED** with prejudice.

3. Campbell's claims against Director Farmer in her official capacity are **CONSTRUED** as claims against Fayette County, Kentucky. Thus, the Clerk's Office shall **TERMINATE** Director Farmer as a defendant and **SUBSTITUTE** Fayette County, Kentucky, as the sole remaining defendant.

4. The Clerk shall prepare two Service Packets for service upon Fayette County, Kentucky. Each Service Packet shall include:

- a. a completed Summons form;
- b. the Complaint [Record No. 1];
- c. this Order; and
- d. a completed USM Form 285.

5. The Clerk shall deliver the Service Packets to the USMS in Lexington, Kentucky, and note the date of delivery in the record.

6. The Clerk shall serve Fayette County, Kentucky, by sending one Service Packet by certified mail, restricted delivery to addressee, return receipt requested, to each of the following:

Donald W. Blevins, Sr., Fayette County Judge Executive  
162 East Main Street  
Lexington, Kentucky 40507

Larry S. Roberts, Fayette County Attorney  
201 East Main Street, Suite 600  
Lexington, Kentucky 40507

7. Within 21 days after being served, Defendant Fayette County, Kentucky, must answer or otherwise respond to Campbell's Complaint. *See Fed. R. Civ. P. 12.*

8. Finally, Campbell must immediately advise the Clerk's Office of any change in his mailing address. Failure to comply may result in the dismissal of this case.

Dated: March 16, 2021.



A handwritten signature in black ink, appearing to read "Danny C. Reeves".

Danny C. Reeves, Chief Judge  
United States District Court  
Eastern District of Kentucky