

in the Amended Complaint that “Allen Bagby, Health Administrator, has policy-making authority and is Esch’s supervisor” (Filing No. [15 at CM/ECF p. 4](#)). The allegation that Bagby supervises Esch negates any claim that Esch has final authority to establish policy for DCC with regard to medical treatment provided to inmates. Even assuming has Esch has discretionary authority regarding individual treatment plans, this does not make the County liable for her actions. “The fact that a particular official—even a policymaking official—has discretion in the exercise of particular functions does not, without more, give rise to municipal liability based on an exercise of that discretion.” *Id.* at 481-82. *See, e.g., Brown v. Wichita Cty.*, No. 7:05-CV-108-O, 2011 WL 1562567, at *8 (N.D. Tex. Apr. 26, 2011), (doctor under contract with county to supervise professional work of jail’s medical staff was not delegated policymaking authority), *aff’d sub nom. Brown v. Bolin*, 500 F. App’x 309 (5th Cir. 2012); *Awalt v. Marketti*, 74 F. Supp. 3d 909, 933-35 (N.D. Ill.), *supplemented*, [75 F. Supp. 3d 777 \(N.D. Ill. 2014\)](#) (nurse’s discretionary authority to make day-to-day decisions regarding the detainees’ medical care did not make her a policymaker for sheriff’s office).

IT IS THEREFORE ORDERED that Plaintiff’s motion for reconsideration (Filing No. [18](#)) is denied.

DATED this 24th day of May, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge