

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

CHRISTOPHER LEE COOK, as)	
administrator ad litem for and next of kin of)	
RONNIE RAY COOK,)	
)	
<i>Plaintiff,</i>)	
)	No. 1:22-cv-105
v.)	
)	Judge Curtis L. Collier
MCMINN COUNTY, TENNESSEE, <i>et al.</i> ,)	
)	Magistrate Judge Christopher H. Steger
<i>Defendants.</i>)	
)	

ORDER

On July 19, 2024, Plaintiff, Christopher Lee Cook, filed a motion to amend his amended complaint. (Doc. 33.) Defendants responded in opposition. (Doc. 38.) United States Magistrate Judge Christopher H. Steger held a hearing on the motion on August 7, 2024 (Doc. 34), and filed a report and recommendation (the “R&R”) (Doc. 39) on September 6, 2024, pursuant to 28 U.S.C. § 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure. Neither party has objected to the R&R within the given fourteen days. *See* Fed. R. Civ. P. 72(b).

After reviewing the record, the Court agrees with the R&R. The Court hereby **ACCEPTS** and **ADOPTS** the magistrate judge’s findings of fact, conclusions of law, and recommendations. Accordingly, it is **ORDERED** that Plaintiff’s motion to amend the first amended complaint (Doc. 33) is **GRANTED IN PART** and **DENIED IN PART**.

Plaintiff’s motion to amend the first amended complaint (Doc. 33) is **GRANTED IN PART** to the extent Plaintiff seeks to: (1) add a claim under Tennessee Code Annotated §§ 8-8-301, *et seq.*, alleging Defendant McMinn County, Tennessee, is liable for the intentional,

malicious, and/or reckless conduct of the officers and staff of the McMinn County Jail; (2) clarify certain factual allegations to conform to evidence adduced during discovery (e.g., Mr. Cook's death was caused, in part, by a ruptured duodenum); and (3) clarify in Paragraph Ten of the first amended complaint that he alleges the rules, regulations, policies, and procedures promulgated by Defendant Sheriff Joe Guy were insufficient and that he failed to enact necessary and rules, regulations, policies and procedures related to the provision of inmate health care, such that the same reflects a pattern and practice of deliberate indifference to inmates in the jail.

Plaintiff's motion to amend the first amended complaint (Doc. 33) is **DENIED IN PART** to the extent Plaintiff seeks to add as Defendants, in place of the "John/Jane Doe" defendants named in the original complaint and first amended complaint, ten current and former Corrections Officers (i.e., Brian Buckna, Dalton Moses, Shawn Amato, Shawn Penley, Tim Church, Lynette Ruebush, Anthony Brown, Blake Ellison, Chris Geisler, and Jesse Bowling) employed by the McMinn County Sheriff's Office.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE