

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

JAMES T. PIERCE,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:16-CV-673-TAV-CCS
)	
DERRICK SCHOFIELD,)	
KEVIN HAMPTON, and)	
TODD WIGGINS,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Before the Court is a motion to substitute party filed by pro se Plaintiff James T. Pierce (“Plaintiff”), pursuant to Federal Rule of Civil Procedure 25 [Doc. 4]. Plaintiff represents that Derrick Schofield, a named defendant in this action, has left public office and requests that the Court substitute Tony Parker, whom took the named defendant’s position as commissioner of the Tennessee Department of Correction and is presently holding that office [*Id.* at 1]. Plaintiff argues that he sued Derrick Schofield in his official capacity, and thus, the substitution is necessary [*Id.*].

Based on Plaintiff’s clarification as to his claims against Defendant Schofield in his official capacity, the Court notes that it is well-established that claims against an official in his official capacity are “only another way of pleading an action against an entity of which an officer is an agent.” *Monell v. N.Y.C. Dep’t of Soc. Servs.*, 436 U.S. 658, 690, n.55 (1978). Thus, Plaintiff’s claims against Defendant Schofield in his official capacity as commissioner of the Tennessee Department of Correction are actually claims against the state of Tennessee. The Supreme Court has held, however, that the Eleventh Amendment bars a damages action against a

state or against state officials sued in their official capacity, absent certain conditions. *Kentucky v. Graham*, 473 U.S. 159, 169 (1985). As none of the exceptions to this rule apply, Plaintiff's allegations against Defendant Schofield in his official capacity fail to state a claim upon which relief may be granted. Accordingly, the official capacity claims against this Defendant are **DISMISSED**.

For these reasons, Plaintiff's motion [Doc. 4] is **DENIED**, and the Court further finds that Defendant Derrick Schofield is **DISMISSED** from this action.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE