



**\*\*NOT FOR PRINTED PUBLICATION\*\***

In his objections, plaintiff states that the former sheriff of Jefferson County neglected his responsibility to protect inmates at the correctional facility from mistreatment. He states that applicable regulations required the former sheriff to protect inmates. Plaintiff contends that the former sheriff's neglect resulted in employees at the facility acting in an unconstitutional manner. He states that if the former sheriff had fulfilled his responsibilities, his employees would have acted properly.

After considering plaintiff's objections, the court agrees that plaintiff has failed to state a claim against Jefferson County. Jefferson County cannot be vicariously liable for the actions of its employees. *Davidson v. City of Stafford*, 848 F.3d 384, 395 (5th Cir. 2017). It can only be liable if an official policy or custom of the county led to the constitutional violation. *Zarnow v. City of Wichita Falls*, 614 F.3d 161, 166 (5th Cir. 2010). A complaint's "description of a policy or custom and its relationship to the underlying constitutional violation . . . cannot be conclusory; it must contain specific facts." *Spiller v. City of Texas City Police Department*, 130 F.3d 162, 167 (5th Cir. 1997).

Plaintiff acknowledges that he cannot point to a policy of Jefferson County that led to the harm he suffered. Nor has he shown that unwritten practices at the correctional facility, which led to the constitutional violations, were so common as to constitute a custom that fairly represents county policy. *Johnson v. Moore*, 958 F.2d 92, 94 (5th Cir. 1992). While plaintiff's allegations regarding the former sheriff neglecting his responsibilities may state a claim against the former sheriff, they are insufficient to state a claim against the Jefferson County. As plaintiff has failed to show that a custom or policy of Jefferson County led to the constitutional violations complained of, he has failed to state a claim against the county upon which relief may be granted.

**ORDER**

Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ACCEPTED**. A final

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judgment shall be entered dismissing this lawsuit in accordance with the recommendation of the Magistrate Judge.

So ORDERED and SIGNED, Feb 04, 2021.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark  
Senior Judge