No. _____

IN THE

Supreme Court of the United States

JAMES DARYL WEST,

Petitioner,

v.

SABRINA SCHULTZ, ET AL.,

Respondent.

On Petition for a Writ of Certiorari to
the United States Court of Appeals for the Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

Erica J. Hashimoto
Counsel of Record
John H. Peng
GEORGETOWN UNIVERSITY LAW CENTER
APPELLATE LITIGATION PROGRAM
111 F St. NW, Ste. 306
Washington, DC 20001
(202) 662-9555
eh502@georgetown.edu

Counsel for Petitioner

Mar. 9, 2026

QUESTIONS PRESENTED

Title 42 U.S.C. §1983 provides broad redress to compensate for violations of individuals' constitutional rights. This Court, in *Monell v. Dep't of Soc. Servs. of N.Y.*, 436 U.S. 658 (1978), indicated that Section 1983 suits against municipalities are actionable only against unconstitutional polices or customs. It has never extended that holding to private corporations that contract with state or municipal entities to provide governmental services. The question presented is: Whether private prison medical providers are shielded from *respondeat superior* suits under Section 1983.

PARTIES TO THE PROCEEDINGS

James Daryl West – Petitioner,

Sabrina Schultz – Respondent,

Diann Spratt – Respondent, and

Wexford Health Sources, Inc. – Respondent.

RELATED PROCEEDINGS

West v. Schultz, et al., No. 22-11541 (CA11 Nov. 7, 2025);

West v. Schultz et al., No. 2:16-cv-694-SPC-NPM (M.D. Fla. Feb. 23, 2022); and

West v. Hemphill, et al., No. 2:16-cv-694-FtM-38NPM (M.D. Fla. Jan. 28, 2021).

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

James Daryl West respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit.

OPINIONS BELOW

The final decision of the United States Court of Appeals for the Eleventh Circuit is unreported but available at 2025 WL 3123674. It is reproduced at Pet. App. 1a–50a. The decision of the United States District Court for the Middle District of Florida, Fort Myers Division, granting defendants' Motion for Summary Judgment is unreported but available at 2022 WL 1462755. It is reproduced at Pet. App. 51a–68a. A prior decision of the United States District Court for the Middle District of Florida, Fort Myers Division, granting several defendants' Motion to Dismiss is unreported but available at 2021 WL 289065. It is reproduced at 69a–92a.

JURISDICTION

The judgment of the court of appeals was entered on November 7, 2025. Pet. App. 1a. This Court granted an extension of Petitioner's time to file a Petition for a Writ of Certiorari, extending Petitioner's time to

file a petition by March 9, 2026. See *West v. Schultz, et al.*, No. 25A856 (Feb. 2, 2026). This Court has jurisdiction under 28 U.S.C. §1254(1).

PROVISIONS INVOLVED

Title 42 U.S.C. §1983, titled "Civil Action for Deprivation of Rights," provides:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

STATEMENT

A. SUITS AGAINST PRIVATE PRISON MEDICAL PROVIDERS UNDER SECTION 1983

1. Title 42 U.S.C. §1983 "derived from" Section 1 of the Civil Rights Act of 1971. *Smith v. Wade*, 461 U.S. 30, 34 (1983). It provides a cause of action against persons who violate the constitutional rights of another while acting under the color of state law. Congress had two

purposes in mind when it enacted Section 1983: deterrence and compensation. See, *e.g.*, *Richardson v. McKnight*, 521 U.S. 399, 403 (1997) (recognizing that Section 1983 "seeks 'to deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights' and to provide related relief") (quoting *Wyatt v. Cole*, 504 U.S. 158, 161 (1992)); *Robertson v. Wegmann*, 436 U.S. 584, 590–91 (1978) (explaining that "[t]he policies underlying § 1983 include compensation of persons injured by deprivation of federal rights and abuses of power by those acting under color of state law").

Based on its "remedial" nature, this Court has construed Section 1983 "broadly." *Dennis v. Higgins*, 498 U.S. 439, 444 (1991). It has also consulted common law tort rules in existence in 1971, when the statute was enacted, to understand the statute's scope. See *Newport v. Fact Concerts*, 453 U.S. 247, 258 (1981) ("One important assumption underlying the Court's decisions in this area is that members of the 42d Congress were familiar with common-law principles * * * and that they likely intended these common-law principles to obtain, absent specific provisions to the contrary.").

Section 1983 permits suits against "[l]ocal governing bodies * * * for monetary, declaratory, or injunctive relief." *Monell*, 436 U.S. at 690. The "touchstone[s]" of such actions are "allegation[s] that" the government body's "official policy" or "custom" is "responsible for a deprivation of rights protected by the Constitution." *Ibid.* at 690–91. This Court has held, however, that "Congress did not intend" for local governing bodies to be "held liable *solely* because [they] employ[] a tortfeasor—or, in other words * * * on a *respondeat superior* theory." *Ibid.* at 691 (emphasis in original).

The *Monell* Court pointed, in part, to Section 1983's causal language to explain that liability may be imposed "on a government" only if "some official policy" "'causes' an employee to violate another's constitutional rights." *Ibid.* at 692 (quoting 42 U.S.C. §1983). The statutory language "cannot be easily read to impose liability vicariously on governing bodies solely on the basis of the existence of an employer-employee relationship with a tortfeasor." *Ibid.* This Court buttressed its conclusion by reviewing Section 1983's legislative history. See *Pembaur v. City of Cincinnati*, 475 U.S. 469, 479 (1986). That history "disclosed that, while Congress never questioned its power to impose civil liability

on municipalities for their *own* illegal acts, Congress did doubt its constitutional power to impose such liability in order to oblige municipalities to control the conduct of *others*." *Ibid.* (emphasis in original). This Court has not squarely addressed whether private corporations contracted to perform local governing duties should similarly enjoy *Monell*'s protections against *respondeat superior* suits. See, *e.g.*, *Shields v. Ill. Dep't of Corr.*, 746 F.3d 782, 793 (CA7 2014) ("*Monell* itself said nothing about whether its new 'policy or custom' standard would apply to private companies sued under § 1983.").

B. MR. WEST'S CHRONIC OSTEOARTHRITIS AND TREATMENT AT THE CHARLOTTE CORRECTIONAL INSTITUTION

Petitioner James Daryl West suffers from diagnosed "osteoarthritis, degenerative joint disease, and chronic pain." Pet. App. 4a (internal quotation marks omitted). His conditions cause him constant pain in his back, right knee, and right foot. *Ibid.* In 2014–15, Mr. West was incarcerated at the Charlotte Correctional Institution, within the Florida Department of Corrections ("FDC") network. *Ibid.* Respondent Wexford Health Sources, Inc., was the medical provider at the prison. *Ibid.* Wexford employed the doctors and nurses who attended to Mr. West during his time at Charlotte Correctional. *Ibid.*

Mr. West met with three doctors and two nurses during the summer and fall of 2015. Pet. App. 4a–6a. One doctor ordered x-rays on Mr. West's knee, gave him prescription ibuprofen, analgesic balm, a cane, and temporary medical passes for restricted physical activity. Pet. App. 4a. That doctor also formally diagnosed Mr. West with osteoarthritis, degenerative joint disease, and chronic pain. *Ibid.*

While at Charlotte Correctional, Mr. West was—"[d]espite his diagnosis and medical passes"—required to work in food service. Pet. App. 4a. Mr. West's two supervisors "were aware that [Mr. West] had medical passes limiting his ability to bend over and lift heavy objects," but "they made [Mr.] West sit on an upside-down trashcan to cut vegetables" and "lift bags of vegetables weighing over fifteen pounds." Pet. App. 4a–5a. These daily activities caused Mr. West "obvious pain." Pet. App. 47a (Abudu, J., concurring in part and dissenting in part) (internal citation and quotation marks omitted). Mr. West fell while working in food service on June 27, 2015, after he was ordered and tried to carry a "seventy-five pound bag of vegetables." Pet. App. 5a.

Both before and after his fall, Mr. West experienced chronic pain that spiked at various times while he was at Charlotte Correctional. Pet.

App. 4a–6a. He asked his medical providers several times for "additional diagnostic testing." Pet. App. 4a. Three separate doctors told Mr. West that "Wexford had a policy restricting necessary medical care." Pet. App. 4a; see also Pet. App. 6a. The doctors generally gave Mr. West pain management medication and provided Mr. West in-prison services. Pet. App. 4a–6a.

C. WEXFORD'S CORPORATE POLICIES AND PATTERNS OF CONDUCT

Wexford's policy, as Mr. West alleged and supported with "extensive materials," consisted of "cost-based medical decisions" that resulted in "failures throughout Florida's correctional system." Pet. App. 40a (Abudu, J., concurring in part and dissenting in part). Reports produced by the FDC and the Florida legislature "detail[ed] longstanding deficiencies in Wexford's performance dating back to 2000, including repeated contract terminations for 'serious performance issues.'" *Ibid.* Florida's "transition to privatized prison health care 'was difficult.'" *Ibid.* "To meet contractual savings targets, vendors—including Wexford—'initially reduced spending by maintaining lower health care staffing levels,' which, according to FDC staff, 'led to serious performance issues in both contracts.'" Pet. App. 40a–41a (internal citation omitted). Mr.

West alleged that "Wexford's cost-driven policies limited clinicians from providing timely follow-up care or an examination after his fall." Pet. App. 41a.

The Florida Legislature's Office of Program Policy Analysis and Government Accountability also documented Wexford's troubles. *Ibid.* The office's 2004 and 2009 reports "maintained that the 'quality of Wexford's health care had been problematic" and plagued by "'repeated deficiencies.'" *Ibid.* (internal citation omitted). During inspections at various FDC facilities, state auditors often observed "'repeated deficiencies and a deteriorated level of service to the extent that the clinical quality of care required immediate correction.'" *Ibid.* Inspectors also documented "'inadequate medical record keeping, insufficient staffing, and postponement of specialty clinical visits.'" *Ibid.*

A 2015 article Mr. West submitted to the district court stated that Wexford "had '1,092 malpractice claims * * * from aggrieved inmates from Jan. 1, 2008, through 2012.'" Pet. App. 42a. Mr. West also "submitted an article about a case against Wexford in Illinois," where an Illinois jury ultimately "found that Wexford had a policy of denying elective surgeries in its provision of services to those incarcerated in [an]

Illinois Department of Corrections" facility. Pet. App. 41a n.5 (citing *Hall v. Funk*, No. 14-cv-6308, 2019 WL 1239707, at *1 (N.D. Ill. Mar. 18, 2019), *appeal dismissed*, *Hall v. Wexford Health Sources, Inc.*, No. 19-1692, 2020 WL 6156604 (CA7 Feb. 24, 2020)).

D. THE DISTRICT COURT GRANTS SUMMARY JUDGMENT TO WEXFORD

The district court granted summary judgment to Wexford by finding that Mr. West did not produce sufficient evidence showing genuine disputes of material fact regarding an unconstitutional custom or policy. Pet. App. 54a. The court followed the Eleventh Circuit's precedent in assessing that "Wexford can only be liable if 'the alleged constitutional harm is the result of a custom or policy.'" *Ibid.* (quoting *Brennan v. Headley*, 807 F. App'x 927, 937 (CA11 2020)). It concluded that Wexford did not have a "policy or custom restricting non-emergency care" and that Mr. West did not receive altered or reduced treatment because of a Wexford policy or custom. *Ibid.*

E. THE ELEVENTH CIRCUIT'S DENIAL OF MR. WEST'S APPEAL

The Eleventh Circuit denied Mr. West's appeal by a per curiam opinion on November 7, 2025. Pet. App. 1a. The Honorable Nancy G. Abudu filed a separate opinion concurring and dissenting in part. Pet.

App. 33a–50a. The majority affirmed the lower court's grant of summary judgment for Wexford. Pet. App. 22a. It agreed that Mr. West had not "provided sufficient evidence for a reasonable jury to conclude that Wexford had a policy or custom that was deliberately indifferent to his necessary medical care." Pet. App. 22a. In so holding, the court applied its past precedent that "[a] private entity, like Wexford, that contracts to provide medical services to inmates performs traditional state functions and, therefore, is treated as a municipality for purposes" of Section 1983. *Ibid.* (quoting *Roy v. Ivy*, 53 F.4th 1338, 1347 (CA11 2022)). The court therefore did not consider whether Wexford could be vicariously liable for its employees' constitutional violations.

Judge Abudu dissented regarding Mr. West's claim against Wexford. Pet. App. 39a–45a. She applied the same *Monell* test as the majority. Pet. App. 39a (assessing whether Mr. West had provided sufficient evidence of an unconstitutional Wexford policy or custom). But she concluded that Mr. West had raised genuine disputes of material facts over both Wexford's "cost-containment and staffing practices" and those practices' effect "compromis[ing] patient care." Pet. App. 44a. Pointing to the Seventh Circuit's en banc decision in *Glisson v. Ind. Dep't*

of Corr., 849 F.3d 372, 376–80 (CA7 2017), which recognized corporate policies' tendency to "constrain[] providers from making fully informed, patient-specific decisions," Judge Abudu assessed that "Wexford's polices may have impermissibly limited staff from exercising independent judgment to treat [Mr.] West's serious medical needs." Pet. App. 45a.

REASONS FOR GRANTING THE WRIT

This Court should issue a writ of certiorari to address whether lower courts have rightly expanded *Monell* to private corporations and improperly shielded them from *respondeat superior* liability. This Court has not squarely addressed this issue. The considerations this Court reviewed in *Monell* and subsequent cases do not compel similar protection for private corporations. And this Court has precedents—*Adickes v. S.H. Kress & Co.*, 398 U.S. 144 (1970), and *Lugar v. Edmondson Oil Co., Inc.*, 457 U.S. 922 (1982), among them—that suggest private corporations should be held accountable for the unconstitutional tortious actions of their employees. This Court should grant this petition to correct the lower courts' misunderstanding.

THIS COURT SHOULD ADDRESS WHETHER PRIVATE PRISON MEDICAL PROVIDERS ARE SHIELDED FROM *RESPONDEAT SUPERIOR* LIABILITY.

1. The circuit courts have uniformly extended *Monell* protection to private corporations providing local governmental services.[1] But this Court has not indicated that *Monell* should be extended in this way. This Court's past decisions suggest that *Monell* ought not be so extended. The courts of appeals' contrary determinations merit review and revisal.

a. The courts of appeals' extension of *Monell* to private corporations largely "trace back to [a] terse Fourth Circuit opinion" which first made the extension. *Shields*, 746 F.3d at 794 (citing *Powell*, 678 F.2d at 506). The *Powell* Court offered merely:

> In *Monell* * * * the Supreme Court held that a municipal corporation cannot be saddled with section 1983 liability via respondeat superior alone. We see this holding as equally applicable to the liability of private corporations. Two aspects of *Monell* exact this conclusion. The Court found section 1983 evincing a

[1] See *Lyons v. Nat'l Car Rental Sys., Inc. (of Del.)*, 30 F.3d 240, 246 (CA1 1994); *Rojas v. Alexander's Dep't Store, Inc.*, 924 F.2d 406, 408–09 (CA2 1990); *Natale v. Camden Cnty. Corr. Facility*, 318 F.3d 575, 583 (CA3 2003); *Powell v. Shopco Laurel Co.*, 678 F.2d 504, 506 (CA4 1982); *Street v. Corr. Corp. of Am.*, 102 F.3d 810, 818 (CA6 1996); *Iskander v. Vill. of Forest Park*, 690 F.2d 126, 128 (CA7 1982); *Lux v. Hansen*, 886 F.2d 1064, 1067 (CA8 1989); *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1139 (CA9 2012); *DeVargas v. Mason & Hanger-Silas Mason Co.*, 844 F.2d 714, 723 (CA10 1988); *Harvey v. Harvey*, 949 F.2d 1127, 1129–30 (CA11 1992).

> Congressional intention to exclude the imposition of vicarious answerability. For a third party to be liable the statute demands of the plaintiff proof that the former "caused" the deprivation of his Federal rights. 436 U.S. at 691–92. Continuing, the Court observed that the policy considerations underpinning the doctrine of respondeat superior insufficient to warrant integration of that doctrine into the statute. *Id.* at 694. No element of the Court's ratio decidendi lends support for distinguishing the case of a private corporation.

678 F.2d at 506.

The courts of appeals have recognized that this Court has not directly answered this question. See, *e.g.*, *Shields*, 746 F.3d at 793.

b. The Seventh Circuit has recognized that *Monell* does not cleanly extend to private corporations contracting with state and municipal entities. In *Shields*, the Honorable David F. Hamilton (joined by the Honorable Richard A. Posner) laid out the differences between municipalities and private contractors. See 746 F.3d at 795. It observed that because private prison medical providers have "reduc[ed] * * * incentives to prevent their employees from violating inmates' constitutional rights," "a new approach may be needed for whether corporations should be insulated from *respondeat superior* liability." *Ibid.* The context of "prison medical services [being] increasingly * * * contracted out to private parties"—and its

attendant "important policy considerations"—exceed "[this Court's] jurisprudence" on *respondeat superior* liability. *Ibid.*

The *Shields* Court further noted that "*Monell* itself said nothing about whether [the] 'policy or custom' standard would apply to private companies sued" under Section 1983. *Ibid.* at 793. And *Monell* did not engage with this Court's "reflexive application of *respondeat superior* liability to a private company" under Section 1983 in *Adickes*, 398 U.S. at 150. *Ibid.* *Adickes* "remains good law." *Ibid.*; see also *Lugar*, 457 U.S. at 930–31 (quoting and citing approvingly to *Adickes*). The Seventh Circuit explained that because this Court "has never held that a private corporation may take advantage of the *Monell* standard that applies to local governments," courts should instead "treat a private corporation like any other 'person' who causes a constitutional violation." *Ibid.* "[*R*]*espondeat superior* liability should" therefore "apply." *Ibid.*

The Seventh Circuit further reviewed the policy considerations for not insulating private prison medical providers from liability. "Private prison employees and prison medical providers have frequent opportunities, through their positions, to

violate inmates' constitutional rights." *Ibid.* at 794. Unlike municipalities, they further have a financial incentive for cutting corners because it is "generally cheaper to provide substandard care than it is to provide adequate care." *Ibid.* Private "prison medical providers are subject to market pressures" and their employees "have financial incentives to save money at the expense of inmates 'well-being and constitutional rights." *Ibid.* Shielding "private corporations from *respondeat superior* liability significantly reduces" those companies' "incentives to control their employees' tortious behavior and to ensure respect for prisoners' rights." *Ibid.*

c. Judge Abudu provided a similar assessment in her partial dissent below. The core question, she explained, "is whether Wexford's policies of limiting medical treatment were the motivating factor for why the medical providers denied" Mr. West "medical treatment for his 'serious medical need.'" Pet. App. 44a (quoting *Farrow v. West*, 320 F.3d 1235, 1243 (CA11 2003)). Mr. West's evidence suggested that "Wexford's policies may have limited staff from exercising independent judgment to treat [Mr.] West's serious medical needs." Pet. App. 45a.

That evidence included "independent, state-generated reports and public records documenting a pattern of Wexford's cost-based medical decisions and failures throughout Florida's correctional system." Pet. App. 40a. Those reports concluded that private vendors "including Wexford * * * reduced spending by maintaining lower health care staffing levels" in order to "meet contractual savings targets." *Ibid.* (internal citation and quotation marks omitted). Wexford's reduction of staffing levels led FDC staff to document "serious performance issues," Pet. App. 40a–41a (internal citation and quotation marks omitted), including "inadequate medical record keeping, insufficient staffing, and postponement of specialty clinical visits," Pet. App 41a (internal citation and quotation marks omitted). Judge Abudu noted that the documentary evidence "parallels [Mr.] West's allegation that Wexford's cost-driven policies limited clinicians from providing timely follow-up care or an examination after his fall," and "mirror[s]" Mr. West's allegations of "repeated postponements of follow-up evaluations [and] perfunctory examinations." Pet. App. 41a.

2. Clarifying whether private corporations should be shielded from *respondeat superior* liability is of great importance. Judge Abudu rightly pointed out that "[o]ver the past decade, states have increasingly outsourced their correctional health care systems to large, for-profit providers." Pet. App. 39a (citing journal articles discussing the proliferation of private correctional providers). Companies like Wexford "operate across multiple states and within numerous facilities, often under standardized contracts and uniform cost-control policies." *Ibid.* Any "patterns of failures flowing from a single provider's customs or practices may manifest across several institutions over several years, rather than within the confines of one facility or finite period of time." Pet. App. 40a–41a. The *Shields* Court rightly identified: "[I]n a world of increasingly privatized state services, the doctrine [of *respondeat superior*] could help to protect people from tortious deprivations of their constitutional rights." 746 F.3d at 795.

The *Shields* Court and Judge Abudu's concerns with extending *Monell* to private corporations dovetail with several of this Court's justices' questioning *Monell*'s foreclosure of *respondeat superior* liability writ large. See *Bd. of Cnty. Comm'rs v. Brown*, 520 U.S. 397, 430–37

(1997) (Breyer, J., dissenting); *City of Oklahoma City v. Tuttle*, 471 U.S. 808, 834–44 (1985) (Stevens, J., dissenting); see also *Shields*, 746 F.3d at 791 (citing scholarship outlining the disconnect between Section 1983, common law, and *respondeat superior* liability). Because Section 1983 is embedded with "common-law principles," *Newport*, 453 U.S. at 258, and "*respondeat superior* liability was already a well established part of the common law in 1871, * * * Congress could reasonably have expected the courts to apply the doctrine under § 1983," *Shields*, 746 F.3d at 795. Restoring this key common-law theory of liability to Section 1983 actions ensures Congress's original intent is met.

3. The courts of appeals have been wrong to extend *Monell* to private corporations. In doing so, courts—starting with the Fourth Circuit in *Powell*, 678 F.2d at 506—have "simply overlooked the *Monell* Court's special solicitude for municipalities and their budgets," *Shields*, 746 F.3d at 795. Cases like *Shields* and Mr. West's "are * * * excellent example[s] of the problems generated by barring *respondeat superior* liability for corporations under § 1983." *Shields*, 746 F.3d at 795.[2] In

[2] See also Richard Frankel, *Regulating Privatized Government Through § 1983*, 76 U. Chi. L. Rev. 1449 (2009); Barbara Kritchevsky,

Shields, "it appear[ed] that Wexford structured its affairs so that no one person was responsible for Shields' care, making it impossible for him to pin responsibility on an individual." *Ibid.* If *respondeat superior* liability were available, "Wexford could not escape liability by diffusing responsibility across its employees, and prisoners would be better protected from violations of their constitutional rights." *Ibid.*

Mr. West's case highlights the same problem. Each doctor Mr. West saw at Charlotte Correctional denied Mr. West out-of-prison diagnostic care, telling him that "Wexford had a policy restricting necessary medical care." Pet. App. 4a, 6a. The denial of necessary care for "non-medical reasons" is an Eighth Amendment violation. *Ancata v. Prison Health Servs., Inc.*, 769 F.2d 700, 704 (CA11 1985). But Wexford was insulated from its employees' tortious actions under *Monell* because he could not establish a Wexford custom or practice denying "medically necessary" care "outside [Mr.] West's own experience." Pet. App. 24a (citing *Craig v. Floyd Cnty.*, 643 F.3d 1306, 1310 (CA11 2011) (internal quotation

---

Civil Rights Liability of Private Entities, 26 Cardozo L. Rev. 35 (2004); Jack M. Beermann, *Why Do Plaintiffs Sue Private Parties Under Section 1983?*, 26 Cardozo L. Rev. 9 (2004) (each discussing the different policy considerations at stake when a private corporation provides a local governmental service).

marks omitted)). Given Mr. West and other incarcerated individuals' difficulty acquiring knowledge and evidence of other people's experiences with Wexford, *Monell* erected too high an obstacle. *Monell*'s shielding of private corporations like Wexford prevented Mr. West from accessing Section 1983's core guarantees: that of "deter[ring] state actors from * * * depriv[ing] individuals of their federally guaranteed rights," *Richardson*, 521 U.S. at 403 (internal citation and quotation marks omitted), and providing "compensation" for injuries from the "deprivation of federal rights," *Robertson*, 436 U.S. at 591.

4. This case presents a clean vehicle to address whether *Monell* should be extended to private corporations. Virtually all of the federal courts of appeals have analyzed and answered this question. See *supra*, p.12 n.1. The panel below agreed that *Monell* barred Mr. West from establishing Section 1983 *respondeat superior* liability against Wexford. Pet. App. 22a, 38a–39a.

CONCLUSION

Mr. West respectfully requests this Court grant a writ of certiorari as to the question presented.

Respectfully submitted,

/s/ Erica J. Hashimoto

Erica J. Hashimoto
Counsel of Record
John H. Peng
GEORGETOWN UNIVERSITY LAW CENTER
APPELLATE LITIGATION PROGRAM
111 F. St. NW, Ste. 306
Washington, DC 20001
(202) 662-9555
eh502@georgetown.edu

Counsel for Petitioner

Mar. 9, 2026