

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-50525  
Conference Calendar

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JERRY LEWIS DEDRICK,

Plaintiff-Appellant,

versus

ANN RICHARDS, Governor of the  
State of Texas, TEXAS COMMISSION  
ON JAIL STANDARDS, JACK E. CRUMP,  
Executive Director of the Texas  
Commission on Jail Standards, and  
STATE OF TEXAS,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. MO-94-CA-010  
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(January 25, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM and DeMOSS,  
Circuit Judges.

PER CURIAM:\*

Jerry Lewis Dedrnick filed a civil rights complaint, 42  
U.S.C. § 1983, against the state of Texas; Governor Ann Richards;  
and the Texas Commission on Jail Standards and its executive  
director, Jack E. Crump, alleging violations of his Eighth,  
Tenth, and Fourteenth Amendment rights because of jail

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\* Local Rule 47.5 provides: "The publication of opinions  
that have no precedential value and merely decide particular  
cases on the basis of well-settled principles of law imposes  
needless expense on the public and burdens on the legal  
profession." Pursuant to that Rule, the Court has determined  
that this opinion should not be published.

overcrowding in the Midland County jail. The magistrate judge granted the defendants' motion to dismiss.

The Eleventh Amendment bars suit against the state or one of its agencies unless the state consents to suit. Pennhurst State School & Hosp. v. Halderman, 465 U.S. 89, 100, 104 S.Ct. 900, 79 L.Ed.2d 67 (1984). The state of Texas did not consent to be sued, and therefore the district court properly dismissed the claims against the state. To the extent that Dedrick is suing Governor Richards in her official capacity, the lawsuit is actually a suit against the state of Texas, Will v. Michigan Dep't of State Police, 491 U.S. 58, 71, 109 S.Ct. 2304, 105 L.Ed.2d 45 (1989), and is also barred by the Eleventh Amendment. McCord v. Maggio, 927 F.2d 844, 847 (5th Cir. 1991).

An official who is sued in her individual capacity cannot be liable under § 1983 on the theory of respondeat superior; to be liable she must have been personally involved in the plaintiff's injury. Williams v. Luna, 909 F.2d 121, 123 (5th Cir. 1990). Dedrick alleged no facts to establish that Governor Richards was personally involved in the overcrowding conditions in the Midland County jail, and therefore the magistrate judge properly dismissed the claims against Governor Richards in her individual capacity.

The Texas Commission on Jail Standards and its executive director cannot be held liable for damages under § 1983 for their alleged failure to fulfill the duties imposed on the Commission. See Balli v. Haynes, 804 F.2d 306, 307 (5th Cir. 1986). The claims against these defendants were properly dismissed.

Dedrick is no longer an inmate at the Midland County jail, and his claims for equitable relief are moot. See Cooper v. Sheriff, Lubbock County, Tex., 929 F.2d 1078, 1084 (5th Cir. 1991); Gillespie v. Crawford, 858 F.2d 1101, 1103 (5th Cir. 1988).

Judgment AFFIRMED. Motion for appointment of counsel DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 213 (5th Cir. 1982).