

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

TERRY HUGHES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:12cv1007-MHT
	)	
THE CITY OF MONTGOMERY,	)	
ALABAMA, a municipality,	)	
et al.,	)	
	)	
Defendants.	)	

OPINION AND ORDER

It is ORDERED as follows:

- (1) Defendants Kevin Murphy and R. C. Daniels's motion to dismiss (doc. no. 4) is granted.
- (2) Defendants Murphy and Daniels are dismissed without prejudice and terminated as parties.

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Plaintiff Terry Hughes has sued defendants Kevin Murphy and R. C. Daniels in only their official capacities. Damages suits against governmental officials in their official capacities are essentially the same as

suits against the government itself. Official capacities lawsuits are, "in all respects other than name, ... treated as a suit against the entity." Kentucky v. Graham, 473 U.S. 159, 166, 105 S.Ct. 3099, 3105 (1985). Because damages are recovered from the government entity itself, and not the officials' personal assets, the real party in interest is the entity and not the official personally. Id. Therefore, because Hughes has sued defendant City of Montgomery, Murphy and Daniels are unnecessary.

DONE, this the 10th day of January, 2013.

          /s/ Myron H. Thompson            
UNITED STATES DISTRICT JUDGE