

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

WILLIAM RENE COLLINS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:13-CV-348-WKW
	)	
LOWNDES COUNTY SHERIFF'S	)	
OFFICE,	)	
	)	
Defendant.	)	

ORDER

On April May 28, 20134, the Magistrate Judge recommended (Doc. # 5) dismissal of Plaintiff's complaint prior to service of process because the action is frivolous. *See* 28 U.S.C. § 1915(e)(2)(B)(i) (requiring dismissal of a frivolous action). Plaintiff's suit, alleging constitutional violations, names only the Lowndes County Sheriff's Office, but sheriff's departments are not legal entities subject to suit. *Dean v. Barber*, 951 F.2d 1210, 1214 (11th Cir. 1992). Sheriff's deputies sued in their individual capacities would, however, be subject to suit.

Thus, after a *de novo* review of the Magistrate Judge's recommendation and Plaintiff's objection, it is ORDERED that Plaintiff's objection (Doc. # 6) is OVERRULED and the Recommendation of the Magistrate Judge is ADOPTED. Plaintiff's complaint is DISMISSED without prejudice.

DONE this 1st day of July, 2013.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE