

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

MITCHELL REESE

*

Plaintiff,

*

v.

*

3:07-CV-629-MHT
(WO)

OPELIKA POLICE DEPARTMENT

*

Defendant.

*

ORDER

A review of the complaint filed in this case reveals that Plaintiff names the Opelika Police Department as the defendant in this cause of action. The Opelika Police Department is not a legal entity subject to suit or liability under 42 U.S.C. § 1983. *See Dean v. Barber*, 951 F.2d 1210, 1214 (11th Cir. 1992). Thus, Plaintiff has failed to name a proper defendant in his complaint. Accordingly, it is

ORDERED that on or before July 31, 2007 Plaintiff shall file an amended complaint which:

1. Names those individuals who are responsible for the alleged violations of his constitutional rights with respect to allegations contained in his complaint; and
2. Specifically describes how each named defendant violated his constitutional rights.

In responding to this order, Plaintiff is advised that he should set forth short and plain

statements showing why he is entitled to relief. Each allegation in the pleading should be simple, concise and direct. *See Rule 8, Federal Rules of Civil Procedure.* Plaintiff is advised that this case will proceed only against those defendants named and the claims presented in the amended complaint.

Plaintiff is cautioned that if he fails to comply with the directives of this order the Magistrate Judge will recommend that this case be dismissed.

Done, this 11th day of July 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE