

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KHZEMAR SUVADUS)	
JAMES,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	15-00524-CB-M
)	
CITY OF MOBILE, AL; CITY)	
OF MOBILE, AL POLICE)	
DEPARTMENT; CHIEF OF)	
POLICE JAMES H. BARBER,)	
in his official and individual)	
capacities; OFFICER KEVIN)	
KELLEY, in his official and)	
individual capacities,)	
)	
Defendants.)	

ORDER

This matter is before the Court on the following motions: (1) a motion to dismiss filed by the City of Mobile, AL Police Department (Doc. 8); (2) a motion to strike claims for punitive damages filed by the City of Mobile; (Doc. 13); and (3) a motion to dismiss or, alternatively, for summary judgment filed by Chief of Police James H. Barber (Doc. 10). In his responses (Docs. 22, 23 & 24), Plaintiff concedes that he is not entitled to recover punitive damages against the City of Mobile and that the City of Mobile, AL Police Department and Chief of Police James H. Barber are not proper defendants. Therefore, the motions to dismiss and the motion to strike are hereby **GRANTED**.

DONE and ORDERED this the 25th day of April, 2016.

s/Charles R. Butler, Jr.
Senior United States District Judge