

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**UNSELD NANCE, SR., individually, as the natural  
father and next friend of UNSELD NANCE,  
JR.; and PAMELA FARROW** **PLAINTIFFS**

v. **CASE NO. 3:07-CV-00119 BSM (Lead Case)**

**ERIK SAMMIS, individually; JIMMY EVANS,  
individually; WILLIAM JOHNSON, individually;  
ROBERT PAUDERT, individually; CITY OF  
WEST MEMPHIS, ARKANSAS; UNKNOWN  
WEST MEMPHIS POLICE OFFICERS, in their  
official capacities; and UNKNOWN ARKANSAS  
STATE POLICE OFFICERS, in their official capacities** **DEFENDANTS**

**CONSOLIDATED WITH:**

**DEBORAH FARROW and ROBIN PERKINS,  
individually, and as co-administrators of the Estate  
of DeAunta Farrow** **PLAINTIFFS**

v. **CASE NO. 3:07-CV-00189 (Consolidated Case)**

**ERIK SAMMIS, individually, and in his official  
capacity as Officer of West Memphis Police Department;  
JIMMY EVANS, individually, and in his official  
capacity as Officer of West Memphis Police Department;  
WILLIAM JOHNSON, individually, and in his official  
capacity as Mayor of the City of West Memphis, Arkansas;  
ROBERT PAUDERT, individually, and in his official  
capacity as Chief of Police of West Memphis Police  
Department; THE CITY OF WEST MEMPHIS, ARKANSAS** **DEFENDANTS**

**ORDER**

On February 26, 2008, Judge William R. Wilson, Jr. dismissed as redundant the official capacity claims against the defendants Erik Sammis, Jimmy Evans, William Johnson,

and Robert Paudert in *Nance v. Sammis*, Case No. 3:07-cv-00119. On February 25, 2008, Judge J. Leon Holmes declined to dismiss the official capacity claims in *Farrow v. Sammis*, Case No. 3:07-cv-189 “absent any circuit authority.” Both cases are currently before the undersigned.

For consistency in the two cases and to avoid any confusion, the court will dismiss the official capacity claims in *Farrow v. Sammis*. Plaintiffs will not be prejudiced by the court’s action because plaintiffs’ claims against defendants in their official capacities are essentially claims against the City of West Memphis, which is a named party in both cases. *See Liebe v. Norton*, 157 F.3d 574, 578-79 (8th Cir. 1998); *Marley v. Crawford County, Arkansas*, 383 F. Supp. 2d 1129, 1132 (W.D. Ark. 2005). Further, as the “unknown West Memphis Police Officers” are sued only in their official capacities, these defendants should be dismissed.

Additionally, it has come to the court’s attention that some of the pleadings, and the docket sheet, refer to “Debra Farrow” and “DeAunte Farrow,” when, in fact, the names are spelled “Deborah Farrow” and “DeAunta Farrow.” The Clerk’s Office is directed to correct the docket sheet to reflect the appropriate spelling of these two names.

Accordingly, the official capacity claims against defendants Erik Sammis, Jimmy Evans, William Johnson, and Robert Paudert in the consolidated case of *Farrow v. Sammis*, Case No. 3:07-CV-00189, are dismissed. The official capacity claims against defendants unknown West Memphis police officers in *Nance v. Sammis*, Case No. 3:07-CV-00119, are

also dismissed. The Clerk's Office is directed to correct the names on the docket sheet as set forth above.

IT IS SO ORDERED THIS 22nd day of January, 2009.

  
UNITED STATES DISTRICT JUDGE