

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

CAROLYN MARTIN

PLAINTIFF

V.

4:08CV03617 JMM

**UNIVERSITY OF ARKANSAS
FOR MEDICAL SCIENCES**

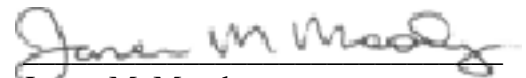
DEFENDANT

ORDER

Pending is the Defendant's Motion to Dismiss pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. In her original Complaint, Plaintiff named the University of Arkansas for Medical Sciences ("UAMS") as the defendant. However, UAMS is not a legal entity capable of being sued. *Assaad-Faltas v. UAMS*, 708 F.Supp.1026 (E.D. Ark. 1989), *aff'd* 902 F.2d 1572 (8th Cir. 1990). Since the filing of the Motion to Dismiss, Plaintiff has filed an Amended Complaint naming the Board of Trustees of the University of Arkansas as the defendant instead of UAMS. Therefore, the Court finds that the Motion to Dismiss of Defendant UAMS (Docket # 16) should be GRANTED.

In conclusion, the Motion to Dismiss (Docket # 16) is GRANTED. Pursuant to Plaintiff's Amended Complaint, the Board of Trustees of the University of Arkansas is added as a defendant and UAMS is terminated.

IT IS SO ORDERED this 30th day of December 2008.



James M. Moody
United States District Judge