

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

MICHAEL A. RYAN

PLAINTIFF

v.

No. 4:10CV01176 JLH/JTR

LITTLE ROCK POLICE DEPARTMENT

DEFENDANT

ORDER

On August 27, 2010, Plaintiff, Michael A. Ryan, filed a *pro se* § 1983 Complaint. (Docket entry #2). Plaintiff alleges that, on February 13, 2010, the “Little Rock police beat [him] up.” (Docket entry #1 at 1). Other than the Little Rock Police Department, Plaintiff has not named any other party defendant.

On September 3, 2010, United States Magistrate Judge J. Thomas Ray entered an Order explaining that the Little Rock Police Department is not an entity subject to suit in a § 1983 action.¹ The Court gave Plaintiff thirty days to file an Amended Complaint naming a party subject to suit. (Docket entry #7). In two subsequent Orders, Judge Ray extended Plaintiff’s deadline to file an Amended Complaint until December 9, 2010. (Docket entries #10 and #14). As of this writing, Plaintiff has not filed an Amended Complaint, and the time for doing so has expired.

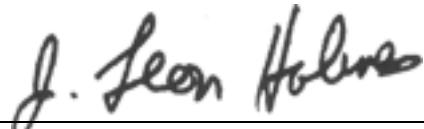
While 28 U.S.C. § 1915(a)(1) allows for the commencement of a suit, without the prepayment of fees, the statute further provides that “the court shall dismiss the case at any time” upon a determination that the action fails to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B). As stated earlier, it is well settled that police departments are not entities

¹ *See Ketchum v. City of West Memphis*, 974 F.2d 81, 82 (8th Cir. 1992); *El-Alamin v. Radke*, Case No. 09-2062, 2010 WL 1223176 (8th Cir. March 31, 2010) (unpublished opinion) (citing *Ketchum*).

subject to suit in a § 1983 action. Thus, Plaintiff has failed to state a claim upon which relief may be granted.

IT IS THEREFORE ORDERED THAT Plaintiff's Complaint (docket entry #2) is DISMISSED, WITH PREJUDICE.

Dated this 16th day of December, 2010.



UNITED STATES DISTRICT JUDGE