

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

BRANDON WILSON, *et al.*

PLAINTIFF

V.

4:10CV01184-WRW

CITY OF MORRILTON, *et al.*

DEFENDANT

ORDER

Pending is Defendant's Motion to Dismiss (Doc. No. 11) Separate Defendant Morrilton Police Department. Plaintiff has responded.¹

The Morrilton Police Department asserts that it should be dismissed because it "is not a legal entity, and as such cannot be sued."² I agree that police departments are not subject to suit and are "simply departments or subdivisions of the City government."³

Based on the findings of fact and conclusions of law above, Defendant's Motion to Dismiss (Doc. No. 11) Separate Defendant Morrilton Police Department is GRANTED. Accordingly, Separate Defendant Morrilton Police Department is dismissed with prejudice as a party in this case.

IT IS SO ORDERED this 25th day of October, 2010.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Doc. No. 17.

²Doc. No. 12.

³*Ketchum v. City of West Memphis*, 974 F.2d 81, 82 (8th Cir. 1992).