

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

BRIAN BARNETT

PLAINTIFF

V.

CASE NO. 4:11CV00753 JMM

CITY OF SEARCY, ARKANSAS, ET AL.

DEFENDANTS

ORDER

Pending before the Court is the Police Department of Searcy's Motion to Dismiss filed pursuant to Federal Rule of Civil Procedure 12(b)(6). For the reasons stated below, the motion is granted and Plaintiff's complaint against the Police Department of Searcy is dismissed (#4).

Plaintiff filed a Complaint and Amended Complaint pursuant to 42 U.S.C. § 1983 against the Police Department of Searcy, Arkansas, by and through Chief of Police, Kyle Osborne, in his official and representative capacity alleging that Plaintiff was arrested based upon an unconstitutional policy of the Police Department of Searcy and placed in a police car belonging to the Police Department of Searcy.

After careful review, the Court finds that to the extent that Plaintiff brings suit against the Police Department of Searcy as a separate defendant, the motion is granted as it is well settled that municipal police departments are not entities subject to suit under § 1983. *See Ketchum v. City of West Memphis, Arkansas*, 974 F.2d 81 (8th Cir. 1992). The claims against the Police Department of Searcy are dismissed. The claims against Chief of Police Kyle Osborne in his official and representative capacities remain pending.

IT IS SO ORDERED THIS 29 day of December, 2011.

11-753

James M. Moody

United States District Judge