

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

ANTHONY JOSEPH GANN

PLAINTIFF

V.

4:16CV00788 SWW/PSH

FAULKNER COUNTY
DETENTION CENTER UNIT 1 and
JOHN RANDALL

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge Patricia S. Harris in which Judge Harris recommends that plaintiff Anthony Joseph Gann's claims against separate defendant Faulkner County Detention Center Unit 1 be dismissed from this 42 U.S.C. § 1983 action because the Faulkner County Detention Center Unit 1 is not an entity subject to suit. See *Owens v. Scott County Jail*, 328 F.3d 1026, 1027 (8th Cir. 2003). No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects.

Gann has also filed a motion to amend the complaint [doc.#9] in order to add the Faulkner County Sheriff's Office as a defendant. The Court finds, however, that such an amendment would be futile as the Faulkner County Sheriff's Office is not an entity subject to suit. See, e.g., *De La Garza Kandiyohi County Jail, Corr. Inst.*, 18 Fed.Appx. 436 (8th Cir. 2001). Accordingly, the Court denies Gann's motion to amend the complaint. See *Popoalii*

v. Corr. Med. Servs., 512 Fed.3d 488, 497 (8th Cir. 2008) (a court “may properly deny a party’s motion to amend its complaint when such amendment ... would be futile.”)

IT IS THEREFORE ORDERED THAT Gann’s claims against the Faulkner County Detention Center Unit 1 are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Gann’s motion to amend the complaint [doc.#9] in order to add the Faulkner County Sheriff’s Office as a defendant is DENIED.

DATED this 4th day of January 2017.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE