

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

TAMICA OSWALT

PLAINTIFF

v.

NO. 5:10CV00095 HDY

SHERIFF GERALD ROBINSON, in his individual and
official capacities; CHIEF DEPUTY RONNIE COLE,
in his individual and official capacities;
JEFFERSON COUNTY SHERIFF'S OFFICE; and
JEFFERSON COUNTY

DEFENDANTS

ORDER

On April 28, 2010, defendant Jefferson County Sheriff's Office ("Sheriff's Office") filed the pending motion to dismiss. See Document 6. In the motion, the Sheriff's Office advanced the following assertions:

1. Plaintiff has filed a suit against the [Sheriff's Office].
2. The undersigned counsel for [the Sheriff's Office] has filed an Answer on behalf of Defendants Sheriff Gerald Robinson [and] Ronnie Cole, in their individual and official capacities, and Jefferson County, Arkansas, but is filing this Motion to Dismiss as to separately named Defendant [Sheriff's Office].
3. [The Sheriff's Office] is not a legal entity capable of suing or being sued, and thus is not a proper party to the suit and should be dismissed based upon prevailing federal law. [The Sheriff's Office] is not a necessary party since all individual defendants are also sued in their "official capacities."

See Document 6 at 1. On May 7, 2010, plaintiff Tamica Oswald (“Oswald”) filed a response to the motion in which she represented that she has no objection to the Sheriff Office’s motion.

In light of Oswald’s representation that she does not object to the granting of the Sheriff Office’s motion to dismiss, it is granted. The Sheriff’s Office is dismissed as a party to this proceeding.

IT IS SO ORDERED this 7 day of July, 2010.



UNITED STATES MAGISTRATE JUDGE