

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

SYLVIA MEADE

Plaintiff

V.

CITY OF DERMOTT, ARKANSAS,
ET AL.

Defendants

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NO: 5:12CV00315 SWW

ORDER

Sylvia Meade brings this action pursuant to 42 U.S.C. § 1983, claiming that Defendants violated her constitutional rights. Before the Court is a motion to dismiss by Separate Defendant Dermott Police Department (docket entries #9, #10). The time for responding has passed, and Plaintiff has not filed a response. After careful consideration, and for reasons that follow, the motion to dismiss will be granted and Separate Defendant Dermott Police Department will be dismissed as a party to this action.

The Dermott Police Department moves for dismissal on the ground that it is not an entity subject to suit. The capacity to sue or be sued is determined by the law of the state in which the district court is held. *See* Fed. R. Civ. P. 17(b). Under Arkansas law, political subdivisions, including cities, are empowered to sue and be sued, *see* Ark. Code Ann. § 14-54-101, but police departments are merely divisions or departments of political subdivisions, without the capacity to sue or be sued. *See Ketchum v. City of West Memphis, Ark.*, 974 F.2d 81, 81 (8th Cir.1992)(“The West Memphis Police Department and West Memphis Paramedic Services are

not juridical entities suable as such. They are simply departments or subdivisions of the City government.”).

The Court agrees that the Dermott Police Department is not subject to suit and must be dismissed as a party to this action.

IT IS THEREFORE ORDERED that Defendant’s motion to dismiss (docket entry #9) is GRANTED. Separate Defendant Dermott Police Department is dismissed as a party to this action.

IT IS SO ORDERED THIS 12TH DAY OF DECEMBER, 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE