

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

DONALD A. BESHEARS

PLAINTIFF

v.

Case No. 2:12-CV-02023

CITY OF GREENWOOD; GREENWOOD
FIRE DEPARTMENT; LANCE TERRY;
STEWART D. BRYAN; EARL TERRY

DEFENDANTS

ORDER

Currently before the Court are Defendant Greenwood Fire Department's Motion to Dismiss (Doc. 6) and Brief in Support (Doc. 7). Plaintiff has not responded to the Motion, and the response period has passed. The Greenwood Fire Department contends that it is not a legal entity subject to suit. The Eighth Circuit has held that municipal police departments are not entities subject to suit. *Ketchum v. City of West Memphis, Arkansas*, 974 F.2d 81, 82 (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 Greenwood Fire Department likewise is not a juridical entity suable as such, but is simply a department of the government of the City of Greenwood, which has also been named as a Defendant in this matter.

IT IS THEREFORE ORDERED that Defendant Greenwood Fire Department's Motion to Dismiss (Doc. 6) is GRANTED and Separate Defendant Greenwood Fire Department is dismissed with prejudice from the instant matter.

IT IS SO ORDERED this 11th day of May, 2012.

P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE