

agencies, may be the proper defendant.” Kundrat v. District of Columbia, 106 F. Supp. 2d at 5 (quoting Raney v. District of Columbia, 892 F. Supp. 283, 289 (D.D.C. 1995)).

Opposing the motion, plaintiff argues that the District of Columbia is functionally a defendant because “[t]his Court understands that the Government of the District of Columbia is the defendant. The District of Columbia apparently understands that, too.” Plaintiff’s Opposition to Defendant’s Motion to Dismiss at 2. Plaintiff has not, however, moved to amend the complaint to substitute the District of Columbia as a defendant, nor has she properly served the District of Columbia as required by Rule 4 of the Federal Rules of Civil Procedure. The Court therefore will not treat the District of Columbia as a defendant. It will instead dismiss plaintiff’s complaint without prejudice. An Order accompanying this Memorandum Opinion will issue this same day.

/s/ _____
PAUL L. FRIEDMAN
United States District Judge

DATE: May 22, 2009