

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JENNIFER SKYLES,

Plaintiff,

v.

Case No. 6:16-cv-1968-Orl-37TBS

MICHAEL J. MCCOY; MATTHEW
FOWLER; and THE CITY OF
ALTAMONTE SPRINGS,

Defendants.

ORDER

Plaintiff initially filed this civil rights action in state court against: (1) Altamonte Springs police officer Matthew Fowler (“**Officer Fowler**”); (2) chief of police for the Altamonte Springs Police Department, Michael J. McCoy (“**Chief McCoy**”); and (3) the City of Altamonte Springs (“**the City**”). (Doc. 3.) After removing the action to this Court (Doc. 1), the City moved to dismiss certain counts of the Complaint (Doc. 5 (“**Motion to Dismiss**”)). The Court granted the Motion to Dismiss in part on April 7, 2017. (Doc. 27 (“**Dismissal Order**”).)

Due to confusion created by inconsistent portions of the Complaint, it was unclear whether Plaintiff intended to sue Chief McCoy and Officer Fowler in their individual capacities, official capacities, or both. (See Doc. 3, pp. 1, 3.) Additionally, at the time of the Dismissal Order, only counsel for the City had appeared in this action. Thus, the Dismissal Order directed Plaintiff to notify the Court as to: (1) whether she had served

Officer Fowler and Chief McCoy; and (2) how she intended to proceed against these Defendants. (Doc. 27, pp. 14, 15.) In response, Plaintiff filed a notice indicating that she had only served process on the City and only intended to pursue this action against Officer Fowler and Chief McCoy in their official, not individual, capacities. (Doc. 28.)


It is well settled that suits brought under 42 U.S.C. § 1983 against police officers in their official capacities are, in actuality, “suits directly against the city that the officer represents.” *E.g., Busby v. City of Orlando*, 931 F.2d 764, 776 (11th Cir. 1991); *Farred v. Hicks*, 915 F.2d 1530, 1532 (11th Cir. 1990). Therefore, if Plaintiff intends to pursue her claims against these officers solely in their official capacities, any amended complaint should be directed against the City, not Chief McCoy and Officer Fowler.

Accordingly, the Clerk is **DIRECTED** to terminate Defendants Michael J. McCoy and Matthew Fowler as parties to this action.

IT IS SO ORDERED.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 17, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record

