

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CAROLYN LOGAN CARTER,

Plaintiff,

v.

Case No. 6:17-cv-518-Orl-37TBS

ORANGE COUNTY, FLORIDA;
SHEENA LOVETTE; and DOROTHY
RIVERS,

Defendants.

ORDER

Plaintiff initiated the instant action on March 23, 2017, by filing claims against Defendants Orange County, Florida (“**Orange County**”), Sheena Lovette (“**Lovette**”), and Dorothy Rivers (“**Rivers**”) for violations of the Driver’s Privacy Protection Act and 42 U.S.C. § 1983. (Doc. 1.) On April 17, 2017, Orange County moved to dismiss the claims filed against it, arguing that Plaintiff had sued the wrong party. (Doc. 7 (“**MTD**”).) Specifically, the MTD maintains that Plaintiff should have sued Orange County Sheriff’s Office—the employer of the relevant actor and an office separate and independent from Orange County. (*Id.*)

In lieu of filing a response, Plaintiff essentially conceded her mistake and filed an Amended Complaint asserting claims against Lovette, Rivers, and Jerry L. Demings in his official capacity as Sheriff of the Orange County Sheriff’s Office. (*See* Doc. 11, ¶ 6.) Hence the MTD is now moot.

Further, as it is well established that a suit against a police officer in his official capacity is, in actuality, a suit against the governmental entity that he represents, *Farred v. Hicks*, 915 F.2d 1530, 1532 (11th Cir. 1990), Plaintiff must serve process on Orange County Sheriff's Office within the time prescribed by the Federal Rules of Civil Procedure.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Defendant, Orange County, Florida's Motion to Dismiss for Failure to State a Claim upon Which Relief Can Be Granted Pursuant to Federal Rule of Civil Procedure 12(b)(6); or, Alternative Motion to Dismiss for Failure to Join a Party Under Federal Rule of [Civil] Procedure 19, Pursuant to Federal Rule of Civil Procedure 12(b)(7), and Supporting Memorandum of Law (Doc. 7) is **TERMINATED AS MOOT**.
2. The Clerk is **DIRECTED** to terminate Defendant Orange County, Florida as a party to this action.
3. Plaintiff is **DIRECTED** to serve process on Orange County Sheriff's Office within the time prescribed by the Federal Rules of Civil Procedure.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 25, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record