

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TORRANCE SULLIVAN,

Plaintiff,

-vs-

Case No. 8:06-cv-1755-T-24MAP

SARASOTA COUNTY JAIL,

Defendant.

ORDER

Pro se prisoner Plaintiff filed this 42 U.S.C. § 1983 letter complaint alleging violation of his civil rights when he was subjected to excessive use of force and when he was denied medical treatment while incarcerated at the Sarasota County Jail in early 2006. Plaintiff is now incarcerated in the Pinellas County Jail. A review of the file demonstrates that Plaintiff's complaint must be dismissed.

Sarasota County Jail Is Not an Actionable Legal Entity

The Sarasota County Jail is not an actionable legal entity because it does not enjoy a separate legal existence independent of the County or the Sheriff's office. The capacity of a governmental corporation to be sued in federal court is governed by the law of the state in which the district court is located. F.R. Civ. P. 17(b). The Sarasota County Jail is a detention facility under the direction and operation of the Sarasota County Sheriff.

Pursuant to Chapter 30, Florida Statutes, the sheriffs of the respective counties of Florida are subject to suit under Florida law. Accordingly, Florida law does not recognize

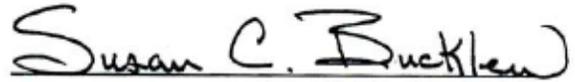
a "jail" facility as a legal entity separate and apart from the sheriff charged with its operation and control. Thus, Plaintiff may not maintain an action against the Sarasota County Jail.

Accordingly, the Court orders:

1. That Plaintiff's complaint is dismissed. The Clerk is directed to enter judgment against Plaintiff and to close this case.

2. That Plaintiff's motion for leave to proceed in forma pauperis (Doc. No. 2) is denied. Plaintiff is assessed the \$350.00 filing fee. The Clerk is directed to send a copy of this order to Inmate Accounting at the Pinellas County Jail.

ORDERED at Tampa, Florida, on October 2, 2006.


SUSAN C. BUCKLEW
United States District Judge

Torrance Sullivan