

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

CHRISTOPHER MICHAEL SHELTON, SR.

Plaintiff,

v.

Case No. 8:09-cv-544-T-17MAP

ST. PETERSBURG POLICE DEPT.,  
et al.,

Defendants.

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**ORDER**

This cause is before the Court on Defendant St. Petersburg Police Department's motion to dismiss Plaintiff's complaint. (Doc. No. 12).

Background

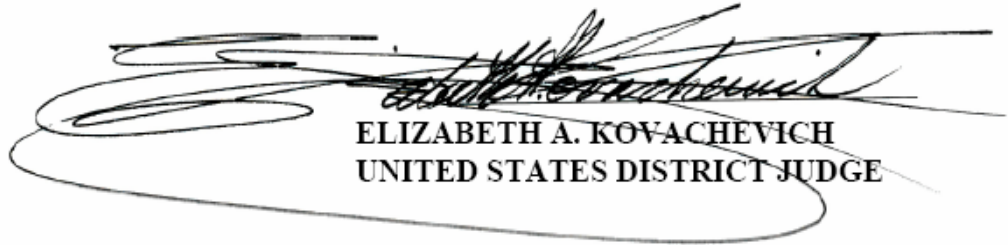
Plaintiff Christopher Shelton filed a Complaint naming the "St. Petersburg Police Department" as a Defendant. The St. Petersburg Police Department is not a proper Defendant because the Police Department does not have the capacity to sue or be sued.

"Where a police department is an integral part of the city government as the vehicle through which the city government fulfills its policing functions, it is not an entity subject to suit." *Eddy v. City of Miami*, 715 F. Supp. 1553, 1556 (S.D. Fla. 1989). *See also, Florida City Police Department v. Corcoran*, 661 So. 2d 409 (Fla. 3rd DCA 1995).

Accordingly, the Court orders:

That the St. Petersburg Police Department's order to dismiss (Doc. No. 12) is granted. The St. Petersburg Police Department is dismissed as a Defendant in this action.

ORDERED at Tampa, Florida, on June 29, 2009.



**ELIZABETH A. KOVACHEVICH**  
**UNITED STATES DISTRICT JUDGE**

Christopher Michael Shelton, Sr.