

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 10-21666-CIV-JORDAN

THOMAS LONG)
)
Plaintiff)
)
vs.)
)
STATE OF FLORIDA)
)
Defendants)
_____)

**CLOSED
CIVIL
CASE**

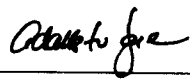
ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE AND CLOSING CASE

Following a de novo review of the record, including the objections filed by Mr. Long [D.E. 8], I adopt the report issued by Magistrate Judge White [D.E. 7]. Accordingly, Mr. Long’s complaint is dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

I also add the following with respect to the claims by Mr. Long that are not related to his conviction. First, to the extent Mr. Long is complaining that members of the Hollywood Police Department assaulted him and stole his property in September of 2008, he has sued any individual police officers. And because he has not alleged that the alleged incident was the product of a policy, custom, or practice of the City of Hollywood, he has not stated a claim of municipal liability. *See, e.g., Cuesta v. School Bd. of Miami-Dade County*, 285 F.3d 962, 967 (11th Cir. 2002). Second, to the extent that Mr. Long is complaining that the State of Florida is stealing money from his prison account, he cannot sue the State under 42 U.S.C. § 1983 because a state is not a “person” for purposes of the statute. *See Will v. Mich. Dept. of State Police*, 491 U.S. 58, 64 (1989).

This case is closed. If Mr. Long wishes to file an amended complaint, he has until September 20, 2010, in which to do so. If Mr. Long files an amended complaint, the case will be reopened automatically.

Done and ordered in chambers at Miami, Florida, this 19th day of August, 2010.



Adalberto Jordan
United States District Judge

Copies to Magistrate Judge White, Thomas Long, pro se, DC # K07322, Bay City Work Camp, 1001 West Highway 98, Apalachicola, FL 32320-1272.