

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

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|---|---|----------------------|
| JOHNNY MACK, JR., | : | |
| | : | |
| Plaintiff | : | |
| | : | |
| VS. | : | |
| | : | |
| LAURENS COUNTY SHERIFF’S DEPARTMENT, <i>et al.</i> , | : | NO. 7:13-CV-100 (HL) |
| | : | |
| Defendants | : | |
| | : | <u>ORDER</u> |

Plaintiff **JOHNNY MACK, JR.**, has filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. The Court’s filing fee for commencement of this action is \$350. Plaintiff has neither paid the fee nor moved to proceed *in forma pauperis* (“IFP”). Solely for purposes of the Court dismissing this action, Plaintiff shall be allowed to proceed IFP.

Plaintiff complains about his alleged false arrest in Laurens County, Georgia. Plaintiff is presently in Valdosta State Prison (“VSP”) serving a 10-year sentence for armed robbery and related charges. On an unspecified date, Plaintiff was transferred to the Laurens County Sheriff’s Department, where he was allegedly subjected to false arrest on child molestation charges. Plaintiff claims that the arrest and charges have caused him to suffer injuries at his own hands and at the hands of other inmates following his transfer back to VSP.

In the caption of his complaint, Plaintiff names the “Laurens County Sheriff’s Department” as the only Defendant. In the body of his complaint, Plaintiff additionally appears to complain about Mrs. Houlibine and other apparent personnel at VSP, who were involved in

processing the paperwork associated with Plaintiff's transfer to the Laurens County Sheriff's Department.

Plaintiff has alleged no colorable claim against the VSP personnel who processed his transfer paperwork. Instead, Plaintiff's claims appear to relate solely to his arrest in Laurens County. Laurens County is located in the Southern District of Georgia. 28 U.S.C. § 90(c)(2). If Plaintiff wishes to sue individuals at the Laurens County Sheriff's Department,¹ he must do so by filing a new lawsuit filed in the Southern District of Georgia, Dublin Division.

In light of the foregoing, the instant action is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this 15th day of JULY, 2013.

s/ Hugh Lawson

HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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¹ For Plaintiff's benefit, the Court notes that the Laurens County Sheriff's Department is not a suable entity under section 1983. *See e.g., Lovelace v. DeKalb Cent. Probation*, 144 F. App'x 793, 795 (11th Cir. 2005) (DeKalb County Police Department not subject to suit under section 1983); *Dean v. Barber*, 951 F.2d 1210, 1214 (11th Cir.1992) ("Sheriff's departments and police departments are not usually considered legal entities subject to suit.").