

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

ROLAND HALL,

Plaintiff,

v.

IDAHO DEPARTMENT OF FISH AND  
GAME; RICK BOGAR, in his official  
and individual capacities; and, ROBERT  
SOUMAS, in his official and individual  
capacities,

Defendants.

Case No. 2:11-cv-00622-BLW

MEMORANDUM DECISION AND  
ORDER

**INTRODUCTION**

Before the Court is Defendants Idaho Department of Fish and Game, Rick Bogar, and Robert Soumas's Motion to Dismiss (Dkt. 4). The Court has reviewed the record and determined that oral argument will not aid the decisional process. For the reasons set forth below, the Court will grant Defendants' Motion.

**ANALYSIS**

Plaintiff Roland Hall has sued both the Idaho Department of Fish and Game, as well as its two employees, Rick Bogar and Robert Soumas, both in their official and

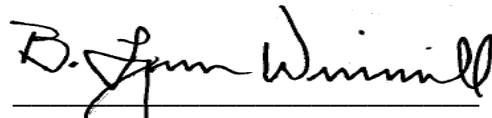
individual capacities. Defendants argue that the Eleventh Amendment bars all 42 U.S.C. § 1983 claims against the Department and Bogar and Soumas in their official capacities. The Court agrees. The U.S. Supreme Court held in *Will v. Michigan Department of State Police*, 491 U.S. 58 (1989) that the Eleventh Amendment bars § 1983 suits against a state and its employees in their official capacities. The Court will therefore grant Defendants' request to dismiss the Section 1983 claims against the Department and Bogar and Soumas in their official capacities. The claims against Bogar and Soumas in their individual capacities shall remain.<sup>1</sup>

### ORDER

**IT IS ORDERED that** Defendants' Motion to Dismiss (Dkt. 4) is **GRANTED**.



DATED: February 6, 2012

  
B. Lynn Winmill  
Chief Judge  
United States District Court

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<sup>1</sup> The Court also notes that Hall failed to respond. Pursuant to Idaho's Local Civil Rules, Hall's failure to respond to Defendants' Motion to Dismiss arguably represents Plaintiffs' consent to the relief Defendants now seek. But because the Court has already considered the motion on its merits, it will not consider this issue.