

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ARRIE ALLEN,

Plaintiff,

v.

CITY OF MARION, ILLINOIS, *et al.*,

Defendants.

Case No. 3:18-cv-00781-JPG-DGW

MEMORANDUM AND ORDER

J. PHIL GILBERT, DISTRICT JUDGE

This is a Fourth Amendment excessive force case against the City of Marion, Illinois, and a number of law enforcement officers in the city's employ. The City of Marion has moved to dismiss Count III of the complaint—which alleges a theory of respondeat superior liability against the city—for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 15.) The City points out that local governments are not vicariously liable in 42 U.S.C. § 1983 cases like this. *Board of Comm'rs of Bryan Cty. v. Brown*, 520 U.S. 397, 403 (1997). Plaintiff Arrie Allen has filed a short motion effectively conceding this issue. (ECF No. 16.) Accordingly, the Court **GRANTS** the motion to dismiss (ECF No. 15) and **DISMISSES WITH PREJUDICE** Count III of the complaint.

IT IS SO ORDERED.

DATED: JULY 23, 2018

**s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE**