

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MOUHAMADOU M. SOW,)
Plaintiff,)
)
vs.)
)
FORTVILLE POLICE DEPARTMENT,)
MCCORDSVILLE POLICE)
DEPARTMENT, and OFFICER MICHAEL)
FULLER (in his individual and official)
capacities),)
Defendants.)

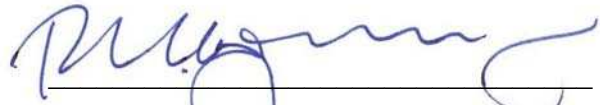
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ORDER ON DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Plaintiff, Mouhamadou M. Sow (“Plaintiff”), filed a lawsuit against, *inter alia*, the McCordsville Police Department (“MPD”), alleging violations of his constitutional rights arising out of events related to his arrest on November 19, 2007, for Forgery. The MPD now moves for summary judgment on grounds that it is not the proper party because it lacks the capacity to sue or be sued. The court agrees. “A city’s police department is merely a vehicle through which the city government fulfills its policy functions and is not a proper party defendant.” *Jones v. Bowman*, 694 F.Supp. 538, 544 (N.D. Ind. 1988); *Curry v. Consol. City of Indianapolis*, 2002 U.S. Dist. LEXIS 7083, at * 18 (S.D. Ind.

Feb. 27, 2002). The court therefore **GRANTS** the MPD's motion for summary judgment (Docket # 56).

SO ORDERED this 13th day of April 2010.

A handwritten signature in blue ink, appearing to read 'R. Young', is written over a horizontal line.

RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

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