

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

MARTIN C. GOLUB,	)	
	)	
v.	)	No. 1:09-cv-380-DFH-DML
	)	
UNITED STATES SECRET SERVICE,	)	
et al.,	)	
	)	
Defendants.	)	

**Entry Concerning Selected Matters**

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. Two federal agencies are among the defendants in this action. Those agencies are the United States Secret Service and the Department of Homeland Security. The fatal deficiency, for pleading purposes, in the inclusion of these agencies as defendants here is that the United States may not be sued without its consent, *United States v. Dalm*, 494 U.S. 596, 608 (1990); *United States v. Sherwood*, 312 U.S. 584, 586 (1941), and there is no indication that the United States has consented to be sued in the name of its agencies for the torts alleged in the claim in this case. An agency or employee of the United States is not a proper defendant in such an action. *Banks v. Green*, 2007 WL 4370306, \*2 (M.D.Pa. 2007)(citing cases). “Federal agencies may not be sued *eo nomine* except as authorized by Congress in ‘explicit language.’” *Castleberry v. Alcohol, Tobacco & Firearms Div.*, 530 F.2d, 673 n.3 (5th Cir. 1976) (citing *Blackmar v. Guerre*, 342 U.S. 512, 515 (1952)). Accordingly, claims against the United States Secret Service and the Department of Homeland Security are **dismissed** for lack of jurisdiction.

2. The complaint also asserts claims against several unidentified John and Jane Does. Such claims are **dismissed**, because “it is pointless to include [an] anonymous defendant[ ] in federal court; this type of placeholder does not open the door to relation back under *Fed.R.Civ.P.* 15, nor can it otherwise help the plaintiff.” *Wudtke v. Davel*, 128 F.3d 1057, 1060 (7th Cir. 1997) (internal citations omitted).

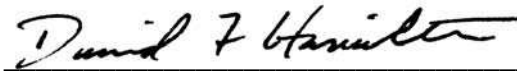
3. No partial final judgment shall issue at this time as to the claims resolved in this Entry.

4. The dismissal of the John and Jane Doe defendants shall not include dismissal as to defendants also identified as Diane Smith, Melanie Mackenzie, Special Agent Johnson and McKenzie.

5. The plaintiff's motion to show cause and order to compel (dkt 35) seeks development of claims against the agency defendants and is therefore **denied**.

6. The motion to stay proceeding (dkt 29) is **denied**.

So ordered.



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DAVID F. HAMILTON, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

Date: July 16, 2009

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