

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

GARY W. MOODY,

Plaintiff,

vs.

RAY LAHOOD in his official capacity as
Secretary of the UNITED STATES
DEPARTMENT OF TRANSPORTATION,

MICHAEL B. CLINE in his official
capacity as the Commissioner of the
INDIANA DEPARTMENT OF
TRANSPORTATION,

ROBERT F. TALLY in his official capacity
as the Division Administrator - Indiana
Department of the FEDERAL HIGHWAY
ADMINISTRATION,

VICTOR MENDEZ in his official
capacity as Administrator of the
FEDERAL HIGHWAY
ADMINISTRATION,

JOSEPH MCGUINNESS in his official
capacity as Mayor of the City of
Franklin, Indiana,

Defendants.

No. 1:12-cv-00907-TWP-DML

Entry Directing Further Proceedings

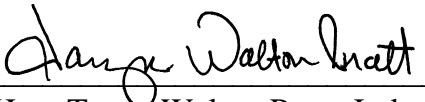
An official capacity suit is the equivalent of a suit against the entity of which the officer is an agent. *Kentucky v. Graham*, 473 U.S. 159, 165 (1985); *Brandon v. Holt*, 469 U.S. 464, 471-72 (1985); *Will v. Michigan Dept. of State Police*, 491 U.S. 58, 71 (1989).

In his complaint, the plaintiff, Mr. Moody, has sued Mr. LaHood, the Secretary of the Department of Transportation and two administrators of that agency. Defendants Mr. LaHood, Mr. Tally and Mr. Mendez, respectively—are each sued in their official capacity. In substance, therefore, the Department of Transportation is being sued three times in the same lawsuit. The redundancy of this effort is evident.

The plaintiff shall have **through 12:00 noon on Friday, September 7, 2012**, in which to either seek to drop defendants Tally and Mendez or show cause why they should not be dropped as defendants because Secretary of Transportation LaHood is already a defendant.

IT IS SO ORDERED.

Date: 08/31/2012


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

All Electronically Registered Counsel

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