

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

RIAN M MCMASTER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:18-cv-00337-SEB-DML
	)	
INDIANAPOLIS METROPOLITAN POLICE	)	
DEPARTMENT,	)	
MICHAEL PRICE Indianapolis Metropolitan	)	
Police Officer,	)	
DUSTIN GREATHOUSE Indianapolis Police	)	
Officer,	)	
CITY OF INDIANAPOLIS,	)	
	)	
Defendants.	)	

**ORDER ON MOTION TO DISMISS (DKT. 17)**

Plaintiff sued Defendants in Marion Superior Court under 42 U.S.C. § 1983 for constitutional and state-law torts. Defendants removed the action to this Court. Now before the Court is a motion to dismiss for failure to state a claim, Fed. R. Civ. P. 12(b)(6), filed by Defendant Indianapolis Metropolitan Police Department (IMPD) on the grounds that it is not a suable entity under state law. *See* Fed. R. Civ. P. 17(b).

As we have explained before,

Under Indiana law, a municipal police department is neither established as a separate legal entity nor granted the capacity to sue or be sued. *Martin v. Fort Wayne Police Dept.*, 2011 WL 781383, at \*6 (N.D. Ind. February 28, 2011). “Because a city’s police department ‘is merely a vehicle through which the city government fulfills its policy functions,’ it is not a proper defendant in a civil rights suit under § 1983.” *Mason v. City of Indianapolis*, 2007 WL 2700193, at \*8 (S.D. Ind. Sept. 11, 2007) (quoting *Jones v. Bowman*, 694 F. Supp. 538,

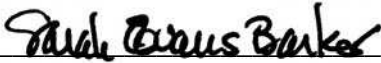
544 (N.D. Ind. 1988)); *see also Martin*, 2011 WL 781383, at \*6 (finding that a police department is a division or arm of the municipality and therefore not a suable entity under Section 1983).

*Branson v. Newburgh Police Dep't*, 849 F. Supp. 2d 802, 808 (S.D. Ind. 2011) (Young, J.)

Accordingly, IMPD, an Indiana municipal police department, is not a suable entity. IMPD's motion to dismiss is therefore GRANTED.

IT IS SO ORDERED.

Date: 3/18/2019



SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

Samuel L. Bolinger  
mark@slbolingerlaw.com

Rosemary L. Borek  
STEPHENSON MOROW & SEMLER  
rborek@stephlaw.com

Traci Marie Cosby  
OFFICE OF CORPORATION COUNSEL  
Traci.Cosby@indy.gov

Andrew R. Duncan  
RUCKELSHAUS KAUTZMAN BLACKWELL BEMIS, LLP  
ard@rucklaw.com

Anne Celeste Harrigan  
OFFICE OF CORPORATION COUNSEL  
anne.harrigan@indy.gov

John F. Kautzman  
RUCKELSHAUS KAUTZMAN BLACKWELL BEMIS, LLP  
jfk@rucklaw.com

Edward J. Merchant  
RUCKELSHAUS KAUTZMAN BLACKWELL BEMIS, LLP  
ejm@rucklaw.com

Brian Lee Park  
STEPHENSON, MORROW & SEMLER  
brian.park@atg.in.gov

Laura Sue Reed  
RILEY BENNETT & EGLOFF LLP  
lreed@rbelaw.com

James S. Stephenson  
STEPHENSON MOROW & SEMLER  
jstephenson@stephlaw.com