

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JAMESON MCCARTHY,)	
)	
Plaintiff,)	
)	
v.)	No. 1:19-cv-02501-JPH-DML
)	
CITY OF GREENWOOD, INDIANA,)	
CITY OF INDPLS,)	
INDIANA POLITICAL SUBDIVISION,)	
INDIANAPOLIS METROPOLITAN POLICE,)	
)	
Defendants.)	

**ENTRY DISMISSING ACTION AND
DIRECTING ENTRY OF FINAL JUDGMENT**

On October 24, 2019, the Court dismissed Plaintiff’s complaint because it failed to state a claim upon which relief can be granted. See 28 U.S.C. 1915A(b); dkt. 11. Plaintiff alleged that he was unlawfully tased by a police officer and sued the four Defendants under 42 U.S.C. § 1983. Dkt. 1. His claims against the City of Greenwood and the City of Indianapolis were dismissed because he failed to allege facts to establish *Monell* liability; his claims against the remaining two defendants were dismissed because they are not “persons” under section 1983. Dkt. 11. Plaintiff was given the opportunity to show cause why his complaint should not be dismissed. *Id.*

Plaintiff responded to the show cause order by stating that he meant to bring a claim against the Greenwood Police Department only. Dkt. 13. The Court accepts this revision, but even when the complaint is amended to bring claims against only the Greenwood Police Department, it still fails to state a

claim upon which relief can be granted. As the Court stated in its screening order, Plaintiff has failed to allege facts establishing *Monell* liability. Dkt. 11. Without a basis for *Monell* liability, the Greenwood Police Department cannot be held vicariously liable under section 1983 for the actions of its employees. For these reasons and the reasons explained in greater detail in the screening Entry of October 24, 2019, this action must be **dismissed for failure to state a claim upon which relief can be granted.** 28 U.S.C. § 1915A(b). Judgment consistent with this Entry shall now issue.

SO ORDERED.

Date: 11/18/2019



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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