

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Celisha S. Towers,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17-cv-2615-JAR-TJJ
)	
Wyandotte County Sheriff's)	
Office, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on the Motion to Substitute Party Defendant (ECF No. 41) filed by the Unified Government of Wyandotte County/Kansas City, Kansas and Wyandotte County Sheriff's Office. The motion seeks an order substituting the Unified Government of Wyandotte County/Kansas City, Kansas as a party defendant in place of current Defendant Wyandotte County Sheriff's Office. Upon consideration of the matter, the Court will grant the motion.

The motion states that Plaintiff does not oppose joinder of the Unified Government, but she does object to dismissal of Defendant Wyandotte County Sheriff's Office. The Sheriff's Office lacks the capacity to be sued as a matter of law. *See Mays v. Wyandotte County Sheriff's Dept.*, Case No. 15-9304-JAR, 2016 WL 81228, at * 1 (D. Kan. Jan. 7, 2016); *Fugate v. Unified Government of Wyandotte County/Kansas City, Kansas*, 161 F. Supp.2d 1261, 1266 (D. Kan. 2001). The proper defendant to this action is the Unified Government of Wyandotte County/Kansas City, Kansas.

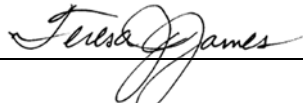
Because the Unified Government is substituted for the Wyandotte County Sheriff's Office as a defendant to this action, Plaintiff need not amend her complaint to

name the Unified Government. Nor does the Unified Government need to file a separate answer. All pleadings and papers filed by the Wyandotte County Sheriff's Office are considered to have been filed by the Unified Government. The Unified Government has waived service of process and therefore no service is necessary.

The Clerk of the Court is hereby directed to make this substitution on the docket. The caption of all future pleadings shall reflect this substitution of the party defendant.

The Motion to Substitute Party Defendant (ECF No. 41) filed by the Unified Government of Wyandotte County/Kansas City, Kansas and Wyandotte County Sheriff's Office is granted.

Dated this 4th day of October, 2018, at Kansas City, Kansas.



Teresa J. James
U. S. Magistrate Judge