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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

AUTHOR HOLLINGSWORTH

CIVIL ACTION NO. 10-815

VERSUS

JUDGE TRIMBLE

SHERIFF'S OFFICE OF WINN PARISH and
A.D. "BODIE" LITTLE, SHERIFF

MAGISTRATE JUDGE KIRK

MEMORANDUM JUDGMENT

Before the court is a motion to dismiss all claims against it filed by the Winn Parish Sheriff's Office ("WPSO").¹ WPSO's motion asserts, pursuant to Fed. R. Civ. P. 12(b)(6), that it is not an entity capable of suing or of being sued under Louisiana law. The court has reviewed the motion, as well as the substance of the claims asserted against WPSO and agrees that these claims must be dismissed. Applicable jurisprudence clearly establishes that WPSO may not be sued and that the proper defendant in this case is the Sheriff.² Our review of the record indicates that plaintiff has reformed his complaint and has now named Sheriff A.D. "Bodie" Little in his individual and official capacities.³ We also note that plaintiff has filed no opposition to the instant motion to dismiss. Accordingly, it is hereby

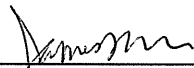
¹R. 4.

²Cozzo v. Tangipahoa Parish Council, 279 F.3d 273, 283 (5th Cir. 2002); Burge v. Parish of St. Tammany, 187 F.3d 452 (5th Cir. 1999); Jenkins v. Jefferson Parish Sheriff's Office, 402 So.2d 669, 671 (La. 1981).

³R. 8.

ORDERED, ADJUDGED and DECREED that WPSO's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) is GRANTED and, accordingly, all claims asserted by plaintiff against defendant Sheriff's Office of Winn Parish are **DISMISSED** with prejudice.

THUS DONE AND SIGNED in chambers at Alexandria, Louisiana this 13th day of December, 2010.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE