

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

JAMES S. FELKNOR

CIVIL ACTION NO. 10-0463

VERSUS

JUDGE S. MAURICE HICKS, JR.

ROBERT H. FELKNOR, ET AL.

MAGISTRATE JUDGE HORNSBY

ORDER

Before the Court are multiple motions filed pro se by the plaintiff, James S. Felknor (“Felknor”). The first is an Application to Proceed *In Forma Pauperis*. See Record Document 2. Such motion is **GRANTED**.

Felknor also filed a “Motion To Enter Evidence Item A-1.” See Record Document 3. In the motion, Felknor seeks injunctive relief and a temporary restraining order. Based on the showing made, Felknor’s requests for injunctive relief and a temporary restraining order are **DENIED**. Such requests will be considered along with merits of the case in due course.

Finally, Felknor filed a “L.R. 7.4 Motion for Leave of Court to Dismiss the Bossier Sheriffs Dept. from this Case.” See Record Document 4. Felknor seeks to voluntarily dismiss the Bossier Parish Sheriff’s Department from this action. Louisiana law¹ affords no legal status to the Parish Sheriff’s Office or the Sheriff’s Department such that the department can sue or be sued; such status is reserved for the Sheriff in his official capacity. See Valentine v. Bonneville Ins. Co., 691 So.2d 665, 668 (La.1997); see also Cozzo v. Tangipahoa Parish Council, 279 F.3d 273, 283 (5th Cir.2002) (recognizing that

¹Under Rule 17(b)(3) of the Federal Rules of Civil Procedure, a district court must apply the state law to determine the sheriff’s office capacity to sue or be sued.

while a sheriff's office is not a legal entity capable of being sued, the Sheriff is amenable to suit in his official capacity); Whittington v. Maxwell, 2009 WL 3676990, *3 (W.D.La. Nov. 4, 2009) (parish sheriff's departments are not "persons" capable of being sued); Porche v. St. Tammany Parish Sheriff's Office, 67 F.Supp.2d 631, 635 (E.D.La.1999) ("The law of Louisiana affords no legal status to the Parish Sheriff's Department wherein said department can sue or be sued, such status being reserved for the Sheriff, individually.") (internal quotation and citation omitted). Thus, in light of Felknor's motion and applicable legal standards, the Bossier Parish Sheriff's Department is **DISMISSED** from the instant action.

THUS DONE AND SIGNED at Shreveport, Louisiana this the 24th day of March, 2010.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE