

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

KENYATA HARMON

PLAINTIFF

VS.

CIVIL ACTION NO. 4:09-cv-24(DCB)(SAA)

ROBERT STURDIVANT, ET AL.

DEFENDANTS

ORDER

This cause is before the Court sua sponte to address the issue of Eleventh Amendment immunity. The issue was raised by the defendants in their motion for summary judgment, but not addressed in this Court's Memorandum Opinion of July 12, 2012. It is well-settled that Eleventh Amendment immunity bars damages claims against state officials in their official capacities. Will v. Michigan Dept. Of State Police, 491 U.S. 58, 67, 71 (1989). The plaintiff does not allege any waiver of or exception to the immunity defense; therefore, Harmon's claims for damages against the defendants in their official capacities must be dismissed. Accordingly,

IT IS HEREBY ORDERED that the plaintiff's claims for damages against the defendants in their official capacities are DISMISSED with prejudice.

SO ORDERED, this the 27th day of July, 2012.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE