

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DAVID CALCATERRA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
THE STATE OF MISSOURI by the ST. )  
LOUIS METROPOLITAN POLICE )  
DEPARTMENT, and JOHN DOES I, II, )  
and III, )  
)  
Defendants. )

Case No. 4:12CV00858 AGF

**MEMORANDUM AND ORDER**

This action for damages under Title VII is before the Court on the motion of the St. Louis Metropolitan Police Department to dismiss Plaintiff’s Amended Complaint as to it because “The St. Louis Metropolitan Police Department” is not a suable entity.

In Missouri, a police department is not a suable entity. *Shivers v. City of University City*, No. 4:09CV630 SNLJ, 2010 WL 431791, at \*3 (E.D. Mo. Feb. 2, 2010) (dismissing a Title VII complaint as to a police department for failure to state a claim, because a police department is not a suable entity).

Plaintiff, who is represented by counsel, has previously been put on notice in this action that the named Defendant is not a proper party. Plaintiff proceeded to file an amended complaint without remedying the pleading deficiency.

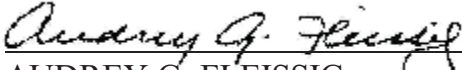
Accordingly,

**IT IS HEREBY ORDERED** that the motion of the “St. Louis Metropolitan Police Department” to dismiss Plaintiff’s Amended Complaint as to it is **GRANTED**.

(Doc. No. 11.)

**IT IS FURTHER ORDERED** that Plaintiff shall have 14 days from the date of this Order to file a second amended complaint naming a correct party or parties as Defendant(s).

**IT IS FURTHER ORDERED** that the Rule 16 Conference scheduled for Friday, August 31, 2012 shall be canceled and rescheduled at a later date.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 30th day of August, 2012.