

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF MISSOURI
 EASTERN DIVISION

MELLVE SHAHID, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:12CV900 CDP
)	
US BANCORP, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

On June 21, 2012, I denied defendant’s motion to dismiss the complaint as moot on the ground that plaintiffs had filed an amended complaint as of right. Defendant Florissant Police Department now moves to dismiss the amended complaint on the ground that it still appears that the Florissant Police Department is named as a defendant in the amended complaint.¹ Although the caption of the amended complaint is not a model of clarity, the Court understood plaintiffs’ amended complaint to be dropping the Florissant Police Department as a defendant and naming instead the City of Florissant.² So that the record is clear, I will grant plaintiffs leave to file a corrected copy of their amended complaint dropping the Florissant Police Department as a defendant in the caption of the amended complaint. However, if plaintiffs intend to name the

¹Defendant also complains that plaintiffs did not seek leave to amend their complaint by first filing a motion. As the amendment was of right, plaintiffs were not required to file a motion for leave to amend their complaint.

² Of course, plaintiffs are required to serve the City of Florissant with the amended complaint, but the fact that they have not done this yet is not a proper basis to seek dismissal. If the Florissant Police Department is no longer a defendant to this action then the Court will not dismiss the amended complaint merely because the body of the amended complaint makes allegations regarding the conduct of the Florissant Police Department as a basis of their claims. Whether those allegations are sufficient to state a claim against the City of Florissant, however, is another matter not before the Court at this time.

Florissant Police Department as a defendant, then they should file a memorandum with the Court so stating, in which case the Court will then consider the motion to dismiss the amended complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs are granted leave to file a corrected copy of their amended complaint or a memorandum in compliance with this Memorandum and Order by no later than **June 27, 2012.**



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 25th day of June, 2012.