

individual defendants acting in their official capacities. *Murphy v. State of Ark.*, 127 F.3d 750, 754 (8th Cir. 1997) (citing *Will v. Michigan Dept. of State Police*, 491 U.S. 58 (1989)). Dismissal of the official-capacity claims is therefore appropriate, but the remainder of the motion is moot.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to dismiss without prejudice her claims against the Missouri Department of Corrections and Terry Russell [# 19] is **GRANTED**.

IT IS FURTHER ORDERED that defendants' motion to dismiss [# 12] is **GRANTED** in part as to plaintiff's official capacity claims against defendants Payne, Lewis, and Carr. It is **DENIED** in all other respects.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 17th day of June, 2014.