

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SAVERLA JOHNSON,)
)
Plaintiff,)
)
vs.) Case No. 4:14 CV 2122 CDP
)
METROPOLITAN POLICE)
DEPARTMENT, CITY OF ST.)
LOUIS, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

In this excessive force action, plaintiff Saverla Johnson has sued the St. Louis Metropolitan Police Department and two John Doe police officers. Yesterday, SLMPD moved to dismiss the claims against it because it is not a suable entity. Under Missouri law, municipal subdivisions – like police departments – are only capable of being sued if a state statute gives them legal capacity. *See Catlett v. Jefferson Cnty.*, 299 F. Supp. 2d 967, 968–69 (E.D. Mo. 2004) (citing *Am. Fire Alarm Co. v. Bd. of Police Comm’rs of Kansas City*, 227 S.W. 114, 116 (Mo. 1920)). SLMPD has not been given such capacity, so it is not a suable entity. *See, e.g., Calcaterra v. St. Louis Metropolitan Police Dep’t*, 4:12CV858 AGF (Aug. 30, 2012).

Accordingly,

IT IS HEREBY ORDERED that defendant St. Louis Metropolitan Police Department's motion to dismiss [#5] is granted.

IT IS FURTHER ORDERED that plaintiff shall have until **January 27, 2015**, to amend his complaint to name a correct party or parties as defendant(s), or its Count II, negligent training and supervision, will be dismissed without prejudice.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 14th day of January, 2015.