

1987). The Court of Appeals found that the victim's identification of Little as her attacker was improperly suggested by a police hypnotist. *Id.* at 1245.

Plaintiff claims that on December 11, 2001, officers with the Cape Girardeau Police Department raided his place of employment and “yell[ed] that [he] had gotten off on a technicality.” He asserts that he volunteered a sample of his DNA and “waited for the police to arrest [him].” He says he has suffered mental and emotional pain, and he says his reputation has suffered. He does not allege that he was searched or detained unlawfully.

The complaint is frivolous as to the Cape Girardeau and Brentwood police departments because they are not subject to suit under § 1983. *Ketchum v. City of West Memphis, Ark.*, 974 F.2d 81, 82 (1992) (police departments are not suable entities because they are subdivision of city government). And plaintiff cannot sue the State of Missouri because it enjoys sovereign immunity. *See Kentucky v. Graham*, 473 U.S. 159, 165-66 (1985); *Murphy v. Arkansas*, 127 F.3d 750, 754 (8th Cir. 1997). As a result, the complaint is frivolous and must be dismissed.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B).

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 14th day of August, 2015



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE