

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PERRY NEWMAN,)
)
Plaintiff,)
)
v.) No. 4:17 CV 2771 CDP
)
CITY OF DES PERES, et al.,)
)
Defendants.)


MEMORANDUM AND ORDER

Plaintiff Perry Newman brings this wrongful death action against the City of Des Peres and several of its employees under 42 U.S.C. § 1983 and Mo. Rev. Stat. § 537.080, alleging that defendants’ unconstitutional and negligent conduct caused the death of his daughter while she was in police custody. Newman brings his claims against the employees in both their individual and official capacities. The claims brought against the employees in their official capacities, however, are redundant to the same claims brought against the City of Des Peres. *See Veatch v. Bartels Lutheran Home*, 627 F.3d 1254, 1257 (8th Cir. 2010); *Roberts v. Dillon*, 15 F.3d 113, 115 (8th Cir. 1994). I will therefore grant defendants’ partial motion to dismiss and dismiss Newman’s claims to the extent they are brought against the defendant employees in their official capacities.

Accordingly,

IT IS HEREBY ORDERED that defendants' Partial Motion to Dismiss [28] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff Perry Newman's claims against defendants Robert Willoughby, James Crupper, William Maull, and Vicki Servers are dismissed to the extent the claims are brought against these defendants in their official capacities.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 19th day of March, 2018.