

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|---------------------------|---|------------------------|
| PRESTON MATHIS |) | CASE NO. 1:09CV1923 |
| |) | |
| Plaintiff, |) | |
| |) | JUDGE DONALD C. NUGENT |
| v. |) | |
| |) | |
| CUYAHOGA COUNTY SHERIFF'S |) | MEMORANDUM OF OPINION |
| DEPARTMENT |) | AND ORDER |
| |) | |
| Defendant. |) | |

On August 14, 2009, plaintiff *pro se* Preston Mathis, brought this action under the Civil Rights Act of 1871, 42 U.S.C. § 1983, against defendant Cuyahoga County Sheriff's Department. He alleges that this defendant was deliberately indifferent to his serious medical needs.

A district court is expressly authorized to dismiss any civil action filed by a prisoner seeking relief from a governmental entity, as soon as possible after docketing, if the court concludes that the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A; *Siller v. Dean*, 2000 WL 145167 *2 (6th Cir. Feb. 1, 2000); *see Hagans v. Lavine*, 415 U.S. 528, 536-37 (1974)(citing numerous Supreme Court cases for the proposition that attenuated or unsubstantial claims divest the district court of jurisdiction); *In re Bendectin Litigation*, 857 F.2d 290, 300 (6th Cir.1988)(recognizing that federal question jurisdiction is divested by unsubstantial claims).

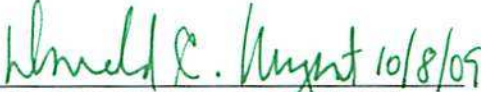
Under Ohio law, a sheriff's department is not a legal entity subject to suit. *Snyder v. Belmont County Sheriff's Depart.*, 2009 WL 467022 * 4 (S.D. Ohio Feb. 23, 2009)(citing *Petty v. County of Franklin*, 478 F.3d 341, 347 (6th Cir. 2007)). *See Barrett v. Wallace*, 107 F. Supp.2nd 949, 954

(S.D. Ohio 2000)(sheriff's department not a legal entity subject to suit).

Accordingly, this action is dismissed. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Date:


JUDGE DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE