

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Sharon Bristow,)	CASE NO. 1:11 CV 186
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
Vs.)	
)	
Mr. Vandayburg, et al.,)	<u>Memorandum of Opinion and Order</u>
)	
Defendant.)	

This matter is before the Court upon Defendants Ross Wilber, Timothy Shook and Alan Vandayburg’s Motion to Dismiss or, Alternatively, Ross Wilber’s Motion for Summary Judgment (Doc. 15) and the Motion to Dismiss Substituted Defendant United States of America (Doc. 17). This is a civil rights action. For the reasons that follow, the motion filed by Defendants Ross Wilber, Timothy Shook and Alan Vandayburg’s is GRANTED in PART and DENIED in PART. The motion filed by the United States is GRANTED.

Defendants Wilber and Vandayburg point out that the complaint does not contain sufficient allegations to suggest that they were involved in the alleged wrongdoing. Plaintiff does not dispute this assertion. Having reviewed the complaint, the Court agrees. Accordingly,

dismissal is warranted. Defendants' motion is GRANTED as to defendants Wilber and Vandayburg.

For the reasons stated in this Court's Memorandum of Opinion and Order dated February 3, 2011, the Court finds that the complaint states a claim against defendant Shook. Accordingly, defendants' motion is DENIED as to this defendant.

The motion filed by the United States is GRANTED as plaintiff does not dispute that she failed to exhaust her administrative remedies. Thus, to the extent the complaint contains common law tort claims for false arrest and false imprisonment, those claims are dismissed for lack of jurisdiction.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 7/8/11