

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF OHIO

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ERIN O'DONNELL, *et al.*,

Plaintiffs,

v.

CITY OF CLEVELAND, *et al.*,

Defendants.

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: CASE NO. 1:14-cv-02612  
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: OPINION & ORDER  
: [Resolving Doc. [26](#)]  
:  
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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Defendant Frank G. Jackson filed a motion for judgment on the pleadings.<sup>1/</sup> Plaintiffs O'Donnell et al. sued Mayor Frank G. Jackson only "in his official capacity as Mayor."<sup>2/</sup> Plaintiffs also sued the City of Cleveland and the City of Cleveland remains a Defendant in this case.

When a plaintiff sues a government official in his official capacity, courts treat the claim as one against the government entity itself.<sup>3/</sup>

Because Plaintiffs sued Defendant Jackson in his official capacity as mayor and because the City of Cleveland remains a defendant in this matter, the claims against Defendant Jackson are duplicative of the claims against the City of Cleveland.

For the foregoing reasons, the Court **GRANTS** Defendant Jackson's motion for judgment

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<sup>1/</sup>Doc.[26](#).

<sup>2/</sup>Doc.[1](#).

<sup>3/</sup>[\*Kentucky v. Graham\*, 473 U.S. 159 \(1985\)](#).

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on the pleadings. The Court dismisses all of Plaintiffs' claims against Jackson.

IT IS SO ORDERED.

Dated: September 30, 2015

*s/ James S. Gwin*  
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JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE