

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

BRIAN E. WARD,)	CASE NO. 1: 21 CV 787
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
v.)	
)	
MEDINA COUNTY SHERIFF)	<u>MEMORANDUM OF OPINION</u>
OFFICE,)	<u>AND ORDER</u>
)	
Defendant.)	

Pro se plaintiff Brian E. Ward has filed a fee-paid complaint in this case against defendant “Medina County Sheriff Office” seeking relief under 42 U.S.C. § 1983. (Doc. No. 1.) The complaint is unclear but appears to pertain to events occurring in connection with a domestic relations case in the Medina County Court of Common Pleas Domestic Relations Division. On its face, the complaint does not allege a plausible claim over which this Court may assert federal subject-matter jurisdiction. The named defendant “Medina County Sheriff Office” is not an entity subject to suit under § 1983. *See, e.g., Carmichael v. City of Cleveland*, 571 F. App'x 426, 435 (6th Cir. 2014) (finding dismissal of claims against county sheriff's department proper because “a county sheriff's office is not a legal entity that is capable of being sued”).

Generally, where the filing fee has been paid by plaintiff at the outset of the case, the district court may not *sua sponte* dismiss the complaint unless the court gives the plaintiff the opportunity

to amend the complaint. *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999). In accordance with *Apple*, the plaintiff is hereby provided the opportunity to file an Amended Complaint. The plaintiff is instructed to file, and serve, a legally sufficient Amended Complaint within 30 days of the date of this Order. If the plaintiff fails to file an Amended Complaint that sets forth a cognizable claim over which this Court may assert subject-matter jurisdiction, this action may be dismissed without further notice. *Apple*, 183 F.3d at 479; *Catz v. Chalker*, 142 F.3d 279 (6th Cir. 1998).¹

IT IS SO ORDERED.

s/ Dan Aaron Polster

5/6/2021

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

¹The defendant may respond to any Amended Complaint the plaintiff files in accordance with the Federal Rules of Civil Procedure.