

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

PHILLIP CORDELL,

Plaintiff,

:

Case No. 3:10-cv-212

-vs-

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

:

JOHN DOE MCKINNY, Deputy Sheriff,

Defendant.

NOTICE TO PLAINTIFF

This case is before the Court on correspondence to the Clerk from Plaintiff dated September 10, 2010. Plaintiff advises that his Amended Complaint (Doc. No. 14) was filed for the purpose of adding The Greene County Jail and The Greene County Sheriff's Office as defendants.

Under Fed. R. Civ. P. 15, a plaintiff is entitled to file an amended complaint once before any answer is filed without the Court's permission; on that basis, the Amended Complaint was accepted. However, adding parties requires court permission which must be sought by a separate motion. The case is now stayed pending review by the Volunteer Lawyers Project. Once the stay is vacated, Plaintiff is free to move to add additional parties. However, Plaintiff is advised that the Greene County Jail and the Greene County Sheriff's Office are not suable entities under Ohio law. Rather, the proper party defendant for those two institutions would be the Greene County Sheriff in his official capacity.

September 18, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge