

Motion DENIED as MOOT.

IN THE UNITED STATE DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

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HEATHER MINICK, et al.
Plaintiffs,
v.
METROPOLITAN GOVERNMENT
OF NASHVILLE, DAVIDSON
COUNTY, TENNESSEE, et al.
Defendants.

Case No. 3:12cv0524
Judge Trauger

MOTION TO DISMISS METRO NASHVILLE POLICE DEPARTMENT

The Metro Nashville Police Department ("MNPd" or "Defendant") moves to dismiss Plaintiffs' claims against it in this action.

Plaintiffs allege a variety of Constitutional claims against the Metropolitan Government of Nashville and Davidson County ("Metropolitan Government"), several Metropolitan Government employees, and a number of other entities and individuals. Plaintiffs' Complaint arises from what began as an encounter between MNPd Officer Neil Wolfe and Plaintiff Heather Minick's husband, Micheal Minick ("Minick"). See generally Compl., Doc. 1. Minick was subsequently hospitalized at Metropolitan Nashville General Hospital ("NGH") and placed in the custody of DCSO, which led to his encounter with four DCSO deputies. Id at ¶ 29. The Complaint alleges a use of force incident occurred while Minick was in the custody of DCSO which resulted in "life ending injuries" for Minick. Id. at ¶ 54.

With regard to MNPd, it is not an entity capable of being sued. Accordingly, Plaintiff's Complaint should be dismissed as to this Defendant.