

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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JEFF MECHAM,	)	<b>ORDER AND MEMORANDUM DECISION</b>
	)	
Plaintiff,	)	Case No. 2:09-CV-149 CW
	)	
v.	)	District Judge Clark Waddoups
	)	
UTAH DEP'T OF CORRS. et al.,	)	
	)	
Defendants.	)	

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Defendant Utah Department of Corrections (DOC) moves to be dismissed from this case as a defendant. Plaintiff/inmate Mecham asserts against DOC a claim for wrongful termination from a prison job in violation of state public policy.

As argued by DOC and essentially conceded by Plaintiff, Plaintiff's claim against DOC is barred because of DOC's immunity under the Eleventh Amendment, *see Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 106 (1984); *Olson v. Finney*, 885 F. Supp. 1480, 1485 (D. Kan. 1995) ("Eleventh Amendment immunity . . . provides not only a defense to liability, but operates as an immunity to suit, including burdens of discovery and trial."), and the Utah Governmental Immunity Act (Immunity Act), Utah Code Ann. § 63G-7-101 *et seq.* (2009); *Broadbent v. Bd. of Educ.*, 910 P.2d 1274, 1277 (Utah Ct. App. 1996) (dismissing teacher's wrongful termination-in-violation-of-public-policy claim because it sounded in type of tort not waived by Immunity Act).

Plaintiff also does not refute DOC's argument that he failed to comply with the procedural requirements of the Immunity Act.

IT IS THEREFORE ORDERED that Defendant DOC's motion to be dismissed as a defendant is GRANTED. (See Docket Entry # 14.)

DATED this 12th day of March, 2010.

BY THE COURT:



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CLARK WADDOUPS  
United States District Judge