

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RONALD CARTER
Plaintiff,

v.

Case No. 10C0396

**JOSEPH MERRILL, TIMOTHY
BEHNING, JAMES TIMM, and
CITY OF MILWAUKEE - POLICE DEPARTMENT**
Defendants.

ORDER

Plaintiff Ronald Carter brought this § 1983 action against several City of Milwaukee police officers, the City and the Police Chief. Plaintiff agreed to dismiss his claims against the Chief and his Monell claim against the City but not his indemnification claim against the City. Plaintiff then filed an amended complaint reflecting this agreement but in the caption listed the “CITY OF MILWAUKEE - POLICE DEPARTMENT” as a defendant. Because the Police Department is not a suable entity, the City moves to dismiss it as a defendant. Plaintiff agrees and asks me to amend the caption to indicate that the proper defendant is the City of Milwaukee. I will grant both requests.

Therefore,

IT IS ORDERED that the motion to dismiss the City of Milwaukee Police Department as a defendant is **GRANTED**.

IT IS FURTHER ORDERED that the caption be amended to reflect that the City of Milwaukee is a defendant.

IT IS FINALLY ORDERED that the City has until August 1, 2011 to move to dismiss the remaining claim against the City.

Dated at Milwaukee, Wisconsin this 2nd day of June, 2011.

/s _____
LYNN ADELMAN
District Judge