

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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RONALD PARKS,

Plaintiff,

v.

MEMORANDUM and ORDER  
05-C-558-S

KING COUNTY DEPARTMENT OF CORRECTIONS,  
KING COUNTY SHERIFF'S DEPARTMENT,  
DANE COUNTY DEPARTMENT OF CORRECTIONS  
and DANE COUNTY SHERIFF'S DEPARTMENT,

Defendants.

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The above entitled action was transferred to this Court from the United States District Court for the Northern District of Illinois. In his complaint plaintiff alleges that he was denied his medication for Multiple Sclerosis when he was in the defendants' custody. Defendants King County Department of Corrections and King County Sheriff's Department were dismissed on October 31, 2005.

Prior to the transfer of this case to this Court defendants Dane County Department of Corrections and Dane County Sheriff's Department moved to dismiss plaintiff's complaint for failure to state a claim upon which relief can be granted. According to this Court's October 17, 2005 Preliminary Pretrial conference order plaintiff's response was to be filed not later than November 3, 2005 and has not been filed to date.

## FACTS

For purposes of deciding the motion to dismiss the facts as alleged in plaintiff's complaint are taken as true.

Plaintiff is a citizen of the State of Illinois. He was involved in an accident in Auburn, Washington on February 24, 2004. He sustained a flare-up of his Multiple Sclerosis. Plaintiff was taken into custody by defendant King County Sheriff's Department and King County Department of Corrections in the State of Washington because of an outstanding State of Wisconsin warrant. He was denied his prescription medication.

Plaintiff was transferred by bus to Wisconsin and confined in the Dane County Jail. He was denied his necessary medications.

## MEMORANDUM

Defendants Dane County Department of Corrections and Dane County Sheriff's Department move to dismiss plaintiff's complaint for failure to state a claim upon which relief can be granted. Specifically, they argue that neither defendant is a suable entity.

The Dane County Department of Corrections does not exist. The Dane County Sheriff's Department forms a part of the county government which it serves and is "not a separate suable entity." Whiting v. Marathon County Sheriff's Dept., 382 F.3d 700, 704 (7<sup>th</sup> Cir. 2004). Plaintiff's suit against the Dane County Department of

Corrections and the Dane County Sheriff's Department must be dismissed because they are not suable entities.

Although not named as a defendant, Dane County would be a suable entity. In his complaint, however, plaintiff has not alleged that he was denied his medication pursuant to a county policy or custom. Accordingly, he would have no 42 U.S.C. § 1983 claim against Dane County. Monell v. Dep't. Of Soc. Servs. of City of New York, 436 U.S. 658, 694 (1978). Plaintiff's complaint and all claims contained therein must be dismissed.

ORDER

IT IS ORDERED that the motion of defendants Dane County Department of Corrections and Dane County Sheriff's Department to dismiss is GRANTED.

IT IS FURTHER ORDERED that judgment be entered in favor of defendants King County Department of Corrections, King County Sheriff's Department, Dane County Department of Corrections and Dane County Sheriff's Department against plaintiff DISMISSING his complaint and all claims contained therein with prejudice and costs.

Entered this 10<sup>th</sup> day of November, 2005.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge