

VETERA GRAVES,

Plaintiff,

v.

GOVERNMENT OF THE DISTRICT OF
COLUMBIA, DEPARTMENT OF PUBLIC
WORKS,

Defendant.

Plaintiff filed suit against the District of Columbia Department of Public Works alleging that the defendant violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e et seq. The matter is now before the Court on defendant's motion to dismiss. The Court will grant the motion to dismiss, without prejudice, because the named defendant, the Department of Public Works, is *non sui juris*.

Government agencies of the District of Columbia are not suable entities. See Foggy Bottom Ass’n v. District of Columbia Office of Planning, 441 F. Supp. 2d 84, 88 (D.D.C. 2006); Kundrat v. District of Columbia, 106 F. Supp. 2d 1, 5 (D.D.C. 2000); Arnold v. Moore, 980 F. Supp. 28, 33 (D.D.C. 1997) (citing Roberson v. District of Columbia Bd. of Higher Ed., 359 A.2d 28, 31 n. 4 (D.C. 1976); Miller v. Spencer, 330 A.2d 250, 251 n. 1 (D.C. 1974)); Fields v. District of Columbia Dep’t of Corrections, 789 F. Supp. 20, 22 (D.D.C. 1992). “In a Title VII suit against the District of Columbia, only the District of Columbia, and not its departments or

agencies, may be the proper defendant.” Kundrat v. District of Columbia, 106 F. Supp. 2d at 5 (quoting Raney v. District of Columbia, 892 F. Supp. 283, 289 (D.D.C. 1995)).

Opposing the motion, plaintiff argues that the District of Columbia is functionally a defendant because “[t]his Court understands that the Government of the District of Columbia is the defendant. The District of Columbia apparently understands that, too.” Plaintiff’s Opposition to Defendant’s Motion to Dismiss at 2. Plaintiff has not, however, moved to amend the complaint to substitute the District of Columbia as a defendant, nor has she properly served the District of Columbia as required by Rule 4 of the Federal Rules of Civil Procedure. The Court therefore will not treat the District of Columbia as a defendant. It will instead dismiss plaintiff’s complaint without prejudice. An Order accompanying this Memorandum Opinion will issue this same day.

/s/ _____
PAUL L. FRIEDMAN
United States District Judge

DATE: May 22, 2009