

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

NOV - 3 2010

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Antonio Colbert,

Plaintiff,

v.

Metrop. Police Dep't. District 5,

Defendant.

Civil Action No.

10 1874

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) (requiring dismissal of a complaint upon a determination that it fails to state a claim upon which relief can be granted).

Plaintiff, a District of Columbia resident, sues the District of Columbia Metropolitan Police Department ("MPD") for the response of its police officers to his 911 call for help after he was "assaulted by [a] gang of hoodlums." Compl. at 2. He seeks \$500,000 in monetary damages. Allegedly, the unidentified MPD officers who arrived at the scene "showed very little interest" in plaintiff's plight and treated him "as if they were supposed to arrest me!" *Id.* Plaintiff concludes that he was discriminated against but he has supplied no facts supporting a claim of discrimination. Moreover, plaintiff has named as the sole defendant a District of Columbia department that cannot be sued in its own name. *See Swinson v. D.C. Metro Police Dep't*, No. 09-5202, 2010 WL 288798 (D.C. Cir. Jan. 7, 2010) (concluding that "[t]he district

court [] properly concluded that the Metropolitan Police Department is not a separate suable entity”) (citing *Braxton v. Nat'l Capital Housing Auth.*, 396 A.2d 215, 216 (D.C. 1978)). A separate Order of dismissal accompanies this Memorandum Opinion.

Date: October 29, 2010


United States District Judge