

NOT FOR PUBLICATION

(Doc.

Nos. 32)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

ORDER

In Re: CAMDEN POLICE CASES	:	Civil No. 11-1315 (RBK/JS)
	:	
JOEL BARNES,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
KEVIN PARRY; JASON STETSER; ROBERT BAYARD; ANTONIO FIGUEROA; DAN MORRIS; DOES 1-10; CAMDEN POLICE DEPARTMENT; CAMDEN COUNTY PROSECUTOR WARREN FAULK; and ATTORNEY GENERAL OF NEW JERSEY PAULA DOW,	:	Civil No. 10-3827 (RBK/JS)
	:	
Defendants.	:	
	:	

THIS MATTER having come before the Court upon the motion by Defendant Camden County Prosecutor Warren Faulk to dismiss Plaintiff Joel Barnes’s claims against him pursuant to Federal Rule of Civil 12(b)(1) and Rule 12(b)(6), (Doc. No. 32); and the Court having considered the parties’ submissions:

IT APPEARING TO THE COURT that Plaintiff’s claims stem from the alleged misconduct of five former Camden City Police Officers (the “Police Officers”); and

IT FURTHER APPEARING TO THE COURT that Plaintiff asserts claims against Defendant Faulk pursuant to 42 U.S.C. § 1983, the New Jersey Civil Rights Act, and the New

Jersey Constitution for violation of Plaintiff's civil rights based on Defendant Faulk's alleged failure to properly train and supervise the Police Officers; and

IT FURTHER APPEARING TO THE COURT that Plaintiff sues Defendant Faulk "in his official capacity only," (Compl. ¶ 15); and

IT FURTHER APPEARING TO THE COURT that Defendant Faulk represents to the Court that "[t]he State of New Jersey. . . has agreed to provide a defense and indemnify the Prosecutor's Office," (Doc. No. 53, Pl.'s Reply Br. at 3); and

THE COURT NOTING that suits against public officials in their official capacities are just "another way of pleading an action against an entity of which an officer is an agent," Hafer v. Melo, 502 U.S. 21, 25 (1991) (internal quotation marks and citation omitted); and

THE COURT NOTING FURTHER that the Court previously held that suits against the Camden County Prosecutor's Office stemming from the Police Officer's alleged misconduct are barred by the Eleventh Amendment where the State has indemnified the Prosecutor's Office, see Brown v. City of Camden, 10-CV-4757 (Doc. No. 36, Opinion, at 18-19);

IT IS HEREBY ORDERED that, for the reasons stated in the Court's above-referenced Opinion, Defendant Faulk's motion to dismiss is **GRANTED**; and

IT IS HEREBY FURTHER ORDERED that, for the reasons stated in the Court's above-referenced Opinion, Plaintiff's claims against Defendant Faulk are dismissed.

Dated: 8/18/2011 /s/
ROBE
United

Robert B. Kugler
RT B. KUGLER
States District Judge