

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SANDY SYKES, Administrator of the estate of DAVID JOHN MUIR, <i>et al.</i> ,	:	Case No. 1:10-cv-688
	:	
Plaintiffs,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
UNITED STATES OF AMERICA, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 87); (2) OVERRULING PLAINTIFFS' OBJECTIONS (Doc. 89); AND
(3) TERMINATING THIS CASE FROM THE DOCKET OF THE COURT**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on July 22, 2011, submitted a Report and Recommendations. (Doc. 87). Subsequently, Plaintiffs filed objections to the Report and Recommendations (Doc. 89) and the Defendants filed responses (Docs. 90, 91, 92, 93, 94, 95, 96, 97, 98).

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted.

Accordingly, the Report and Recommendations (Doc. 87) is **ADOPTED** in full:

1. The Federal Defendants' motions to substitute the United States as the proper defendant (Docs. 21, 70, 72) are **GRANTED**;
2. Defendants' motions to dismiss (Docs. 21, 23, 24, 29, 34, 37, 46, 49, 50, 70, 72) are **GRANTED**;
3. Plaintiffs' motion for leave to file a second amended complaint (Doc. 82) is **DENIED**; and
4. This matter is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 8/24/11

Timothy S. Black
Timothy S. Black
United States District Judge