

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**MAURICIO RUEBEN,
REG. #59216-079**

PLAINTIFF

v.

No. 2:13-cv-33-DPM-JTK

**T. C. OUTLAW, Warden, FCI-Forrest
City; D. W. HEUETT, Assistant Warden,
FCI-Forrest City; WILLIAM RESTO,
Clinical Director, FCI-Forrest City;
MARY E. GRAHAM, Health Services
Administrator, FCI-Forrest City;
JEFFREY HAMMER, Physician Assistant,
FCI-Forrest City; MISTY RIOS, Registered
Nurse, FCI-Forrest City; RHONDA LANGLEY,
Registered Nurse, FCI-Forrest City;
R. M. MILLER, Registered Nurse, FCI-
Forrest City; MICHELLE WINGO, Physician
Assistant, FCI-Forrest City**

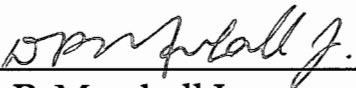
DEFENDANTS

ORDER

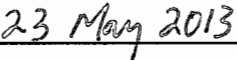
Rueben has objected to Magistrate Judge Jerome T. Kearney's recommendation, *No. 4*, that the Court dismiss his Federal Tort Claims Act claim without prejudice. On *de novo* review, FED. R. CIV. P. 72(b)(3), the Court adopts the recommendation. "When someone is injured by a tort committed by an employee of the United States who is acting within the scope of his employment, that employee cannot be sued. Rather, the injured person must

sue the United States which is liable in its employee's stead." *Knowles v. United States*, 91 F.3d 1147, 1150 (8th Cir. 1996).

So Ordered.



D.P. Marshall Jr.
United States District Judge



23 May 2013