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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

RANDOLPH TIMBOL, Plaintiff, vs. UNITED STATES OF AMERICA, ROGER J. BUCHANA, an individual, and DOES 1-50, Defendants.	Case No. 09cv1538 IEG POR **ORDER:** **(1) SUBSTITUTING THE UNITED STATES OF AMERICA AS PARTY DEFENDANT FOR ROGER J. BUCHANA; and** **(2) DISMISSING ACTION AS TO ROGER J. BUCHANA PURSUANT TO 28 U.S.C. § 2679(b)(1)**

Upon review and consideration of the Notice of Substitution filed by the United States of America, and it appearing to the Court that this case includes tort claims against Defendant Roger J. Buchana, arising out of his actions certified by the Attorney General of the United States to have been taken within the scope of his employment as a federal employee,

IT IS ORDERED, pursuant to 28 U.S.C. § 2679(d), that the United States of America is the only proper Defendant in this action, with regard to the Complaint filed by Plaintiffs, and that the title of the action be amended accordingly.

IT IS FURTHER ORDERED that as to Defendant Roger J. Buchana, this action is dismissed, with prejudice, pursuant to 28 U.S.C. § 2679(b)(1).

DATED: September 24, 2009

Irma E. Gonzalez

IRMA E. GONZALEZ, Chief Judge
United States District Court

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