

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS**

<b>CHRISTOPHER M. HICKS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 11-1129</b>
	)	
<b>RAYMOND E. HART,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

On May 13, 2011, Defendant Raymond Hart and the United States of America filed a Motion for Substitution of Defendant. More than fourteen (14) days have elapsed since the filing of the Report & Recommendation, and no objections have been made. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); *Lockert v. Faulkner*, 843 F.2d 1015 (7th Cir. 1988); and *Video Views, Inc. v. Studio 21, Ltd.*, 797 F.2d 538, 539 (7th Cir. 1986). As the parties failed to present timely objections, any such objections have been waived. *Id.*

The relevant procedural history is sufficiently referenced in the comprehensive Report & Recommendation of the Magistrate Judge. The Court concurs with the recommendation that Hicks' request to remand this case to state court, to the extent he makes such a request, be denied. The Court further concurs with the recommendation that the United States be substituted as a defendant for Raymond Hart where the U.S. has certified that Hart acted within the scope of his employment with the U.S. as Professor of Military, and where Hicks has not sufficiently bore the burden of demonstrating that Hart was not acting within the scope of employment.

Accordingly, the Court now adopts the Report & Recommendation [#8] of the Magistrate Judge in its entirety. Plaintiff Hick's request to remand the case to state court, to the extent he

makes such a request, is DENIED. Defendant Hart's and the United States of America's Motion for Substitution of Defendant [#6] is GRANTED. The United States of America is substituted as the sole defendant in this case pursuant to 28 U.S.C. § 2679(d)(2). Hereinafter, the caption of the Complaint should name the Defendant as the United States of America. This matter is referred to the Magistrate Judge for further proceedings.

ENTERED this 14<sup>th</sup> day of July, 2011.

s/ Michael M. Mihm  
Michael M. Mihm  
United States District Judge