

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

KP, by and through his father SP,)
JF, by and through his mother AF,)
DR, by and through his mother MR,)
AP, by and through her mother PP,)
SC, by and through her mother AT,)
TR, by and through her mother CR,)

Plaintiffs,)

v.)

Case No. 12-CV-2044

JULIE HAMOS, in her official capacity as)
Director of the Illinois Department of)
Healthcare and Family Services,)

Defendant.)

ORDER

On October 25, 2012, Magistrate Judge David G. Bernthal filed an Amended Report and Recommendation (#37) in the above cause. On November 7, 2012, Defendant filed an Objection to Report and Recommendation (#38). On November 21, 2012, Plaintiffs filed a Response to the Objection (#39).

Following this court’s careful de novo review of Judge Bernthal’s reasoning, Defendant’s Objection and Plaintiffs’ Response, this court agrees with and accepts the Report and Recommendation (#37). This court agrees with Judge Bernthal’s thorough and well-supported analysis.

IT IS THEREFORE ORDERED THAT:

- (1) The Report and Recommendation (#37) is accepted by this court.
- (2) Defendants’ Motion to Dismiss Counts II, III, and IV of Amended Complaint

(#32) is GRANTED as to Plaintiffs' claim, in Count IV, for damages under 42 U.S.C. § 1983, and DENIED as to all other claims.

(3) This case is referred to Judge Bernthal for further proceedings.

ENTERED this 3rd day of January, 2013.

s/MICHAEL P. McCUSKEY
U.S. DISTRICT JUDGE