

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:16-CV-145-PPS-SLC
)	
NORMAN E. KAIN, SALLY A. KAIN,)	
SOVEREIGN FINANCIAL MANAGEMENT,)	
STATE OF INDIANA, DEPARTMENT OF)	
REVENUE, and WELLS COUNTY, INDIANA,)	
)	
Defendants.)	

ORDER

The Government filed a motion for appointment of receiver and order of sale, DE 51, which I referred to Magistrate Judge Susan L. Collins for report and recommendation, DE 54. Judge Collins issued a report on October 13, 2017, in which she recommended that the motion be granted and informed Mr. Kain that he had 14 days after being served with a copy of Judge Collins' report and recommendation to serve and file specific, written objections. [DE 55; *see also Willis v. Caterpillar, Inc.*, 199 F.3d 902, 904 (7th Cir. 1999) (explaining that the failure to file a timely objection results in waiver of the right to challenge a report and recommendation)]. Pursuant to Federal Rule of Civil Procedure 6(d), Mr. Kain had 17 days, or until October 30, 2017, to file his objections. Mr. Kain did not file his objections until 2 days later, on November 1, 2017, waiving his right to challenge the report and recommendation. [DE 57.] But even if his objections were timely filed, the result would be the same because they do not properly

challenge Judge Collins' recommendation. Rather, Mr. Kain appears to continue to refute the legitimacy of the judgment against him and challenge my jurisdiction and that of Judge Collins. I have admonished Mr. Kain several times that the Court properly exercises jurisdiction over him and that he must accept the Court's judgment and cautioned him not to file similar nonsensical notices raising these same arguments.

[*See, e.g.*, DE 33, 36, 43, 48.]

ACCORDINGLY:

Accordingly, I **ADOPT** Judge Collins' report and recommendation, DE 55, and the Government's motion for appointment of receiver and order of sale, DE 51, is

GRANTED.

SO ORDERED.

ENTERED: November 6, 2017.

s/ Philip P. Simon _____
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT