

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

GREGORY McINNIS,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO. 2:21-CV-127-PPS-JPK
)	
VETERAN’S VILLAGE and CITY OF)	
HOBART INDIANA,)	
)	
Defendants.)	

ORDER

Defendants City of Hobart, Indiana and Veteran’s Village filed motions to dismiss pro se Plaintiff, Gregory McInnis’ amended complaint. [DE 37, 39.] Under the impression that all parties had consented to the magistrate, Magistrate Judge Joshua P. Kolar issued an opinion and order granting the requests to dismiss [DE 37, 39], ordering the complaint dismissed with prejudice, and denying as moot Veteran’s Village’s request to strike the complaint [DE 39]. [DE 46.]

During a subsequent appeal, the Seventh Circuit stated McInnis’ appeal of Judge Kolar’s decision may not be an appealable judgment since not all parties to the litigation consented to a magistrate on the record. [DE 55 at 3.] I noted in my order dated July 14, 2023, that it appeared that the consent form was not sent to Defendant Veteran’s Village (whom the Court dismissed earlier without prejudice, indicating McInnis did not have leave to file an amended complaint against, but then McInnis filed an amended complaint against both Veteran’s Village and Hobart and both defendants then filed another round of motions to dismiss). [DE 40, 33, 36, 46.]

To remedy the situation, I issued an order stating pursuant to 28 U.S.C. § 636(b), Judge Kolar's opinion and order dated March 28, 2023, would be considered as a report and recommendation. [DE 56.] I stated that within 14 days of the date of my order, any party could serve and file written objections to the proposed findings and recommendations in Judge Kolar's order. *Id.* McInnis filed a letter requesting an extension of time to file his response, asking for an extended deadline of August 18, 2023. [DE 57.] This Court granted McInnis' request, holding he could file any written objections to Judge Kolar's report and recommendation [DE 46] up to and including August 18, 2023. [DE 59.]

To date, no party has filed a timely objection.

ACCORDINGLY:

Having reviewed Magistrate Judge Kolar's findings and recommendation concerning the City of Hobart Indiana's motion to dismiss [DE 37] and Veteran's Village's motion to dismiss and strike the amended complaint [DE 39], to which no objection has been filed, the Court hereby ADOPTS the findings and recommendations [DE 46] in their entirety. The motions to dismiss [DE 37, 39] are GRANTED and the complaint is DISMISSED WITH PREJUDICE.

ENTERED: August 30, 2023.

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