

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**  
Civil No. 12-1581(DSD/AJB)

Elainaise Mervil,

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

United States of America – FTCA,  
Nicole English, Warden, Sandra Luring, M.D.,  
Donald Collins, M.D., Matthew Levisay,  
Counselor, and Mary Ellen Rivers-Graham, HSA.

Defendants.

Based upon the Report and Recommendation by United States Chief Magistrate Judge Arthur J. Boylan dated January 6, 2014, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that the defendants' Motion to Dismiss is **granted** [Docket No. 48] and that plaintiff Elainaise Mervil's complaint alleging FTCA claims against the United States, as well as claims against all of the individually named defendants for violation of civil rights under Bivens v. Six Unnamed Federal Agents, 403 U.S. 388 (1971), are **dismissed** with prejudice [Docket No. 1].

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 22, 2014

s/David S. Doty

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David S. Doty, Judge  
United States District Court