

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MICHAEL PIEKARSKI,

Civil Nos. 16-1752 (JRT/LIB)

Plaintiff,

v.

UNITED STATES OF AMERICA, et al,

**ORDER ADOPTING REPORT
AND RECOMMENDATIONS**

Defendants,

Carrie Anne Loch, L. Michael Hall, **HALL LAW, P.A.**, 1010 West St. Germain Street, Suite 100, St. Cloud, MN 56301, for plaintiff.

Bahram Samie, Friedrich Siekert, Assistant United States Attorneys, **UNITED STATES ATTORNEY'S OFFICE**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for defendant United States of America.

Jacob M. Tomczik, Richard P. Wright, **MCCOLLUM, CROWLEY, MOSCHET, MILLER & LAAK, LTD.**, 7900 Xerxes Avenue South, Suite 700, Bloomington, MN 55431, for defendant Matthew DeSilva.

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS HEREBY ORDERED** that:

1. The United States' Motion to Substitute the United States for the Defendant DeSilva, to Dismiss DeSilva with Prejudice, and to Amend the Caption [Docket No. 47] is **GRANTED in part and DENIED in part** as moot. Claims against Defendant DeSilva are dismissed without prejudice and the case caption shall be amended to delete Defendant DeSilva and reflect the United States as the sole Defendant.

2. Plaintiff's Motion for Partial Summary Judgment [Docket No. 37] is

DENIED as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 9, 2018
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court