

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James N. Brown, Jr.,

Plaintiff,

v.

Associate Warden G. Cooper; Ken Hyle,
Asst. Director; Sara Revell, Regional
Director; Kathleen Kenney, Gen. Counsel;
L. LaRiva, Warden; L. Janssen, R.N.; C.
Orum, Unit Manager; FNU Sanson;
A. Cossette, Unit Manager; D. Holbus,
Lieutenant; C. Stromberg, c/o FNU Hare,
Lieutenant Peter Arroyo; Charles Slater,
MD; Sheila Hadaway, MD; Misbah Baqir,
MBBS; Mayo Clinic; M. Porter, R.N.,
Supervisor; and T. Miller, Captain;

Defendants.

Civ. No. 18-219 (DSD/BRT)

ORDER

The United States of America moves for an order substituting the United States as the defendant with respect to Claim Five in the Amended Complaint in place of Defendants G. Cooper, Ken Hyle, Kathleen Kenny, Sara Revell, L. LaRiva, C. Orum, A. Cossette, R. Woltman, M. Porter, L. Janssen, D. Holbus, C. Stromberg, Hare, Charles Slater, Peter Arroyo, and Sheila Hadaway (the “Federal Defendants”). No party responded to this motion within the time allowed by the Local Rules. See Minn. L.R. 7.1(b)(2).

Claim Five of the Amended Complaint seeks a judgment for money damages and injunctive relief under the Federal Tort Claims Act (“FTCA”). Federal employees cannot be named in an FTCA action; instead, the United States is the proper defendant to an FTCA claim. *F.D.I.C. v. Meyer*, 510 U.S. 471, 476–77 (1994); *Duncan v. Dep’t of Labor*, 313 F.3d 445, 447 (8th Cir. 2002). Therefore, the United States must be substituted for the Federal Defendants with respect to Claim Five.

The Motion to Substitute the United States of America for Federal Defendants as to Claim Five (Doc. No. 34) is **GRANTED**.

Dated: July 10, 2018

s/ Becky R. Thorson
BECKY R. THORSON
United States Magistrate Judge