

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**MICHAEL STARNES**

**PLAINTIFF**

**V.**

**CAUSE NO. 3:16-CV-681-CWR-FKB**

**UNITED STATES OF AMERICA**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge F. Keith Ball.<sup>1</sup> That Report recommends that this Court grant the dismissal motion filed by Defendants.<sup>2</sup> Starnes filed what this Court considers a timely Objection to that Report.<sup>3</sup>

The Objection gives no reason to believe the Report is clearly erroneous or contrary to law. As the Report explains, Dr. Ted H. Jefferson was neither an employee of the Federal Bureau of Prisons nor the United States Penitentiary Marion Health-Services Department. For this reason, the United States cannot be liable for the claims Starnes has brought against it regarding his treatment by Jefferson.<sup>4</sup>

Under Federal Rule of Civil Procedure 72, this Court will ADOPT the Report's recommendations. Defendants' motion for summary judgment is GRANTED. As recommended by the Report, Starnes has until May 14, 2018 to satisfy the prerequisites of 735 Ill. Comp. Stat. 5/2-622 (2013) regarding his claims against United States Penitentiary medical staff. If he does not, a separate Final Judgment shall issue dismissing this case.

**SO ORDERED**, this the 14th day of March, 2018.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Docket No. 33.

<sup>2</sup> Id. at 8 (discussing Docket No. 27).

<sup>3</sup> Docket No. 39.

<sup>4</sup> Docket No. 33 at 3-6.