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7 Attorneys for Federal Defendant

9 UNITED STATES DISTRICT COURT  
 10 DISTRICT OF NEVADA

11 HENRY E. SMITH	)	
	)	
12 Plaintiff,	)	Case No. 2:11-cv-00090-JCM-RJJ
	)	
13 v.	)	<b>ORDER</b>
	)	
14 GREG ABERNATHY	)	
	)	
15 Defendant.	)	
16 _____	)	

17 THIS COURT, having been fully apprised that the United States Attorney for the District  
 18 of Nevada has certified that the individual Defendant, Greg Abernathy, was acting within the  
 19 scope of his federal employment at the time of the incident giving rise to Plaintiff's complaint,  
 20 and the Court having been apprised of the substitution of the United States by operation of  
 21 law pursuant to 28 U.S.C. § 2679(d)(2),

22 **IT IS HEREBY ORDERED** that pursuant to 28 U.S.C. §§ 2679(b)(1), (d)(2), Greg  
 23 Abernathy is dismissed from this action on the grounds that the exclusive remedy for such claim  
 24 is an action against the United States and the United States has been substituted for Greg  
 25 Abernathy as the defendant on such claim.

26 . . . .

