

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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JUAN CARLOS ANDRADE  
RODRIGUEZ, et al.,

Plaintiff,

-vs-

UNITED STATES OF AMERICA,

Defendant.  
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: CASE NO. 1:13 CV 01559

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: ORDER ADOPTING THE  
: MAGISTRATE JUDGE'S REPORT AND  
: RECOMMENDATION

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This matter comes before the Court on United States Magistrate Judge Kenneth S. McHargh's Report and Recommendation ("R&R"), which recommends that the defendant's motion to dismiss be granted in part and denied in part. Specifically, the magistrate judge recommended denying the motion to dismiss for lack of subject matter jurisdiction, and he recommended granting the motion to dismiss for failure to state a claim with respect to the second, third, fourth, and fifth claims of the complaint.

No timely objections have been filed to the magistrate judge's R&R. This Court, having reviewed the R&R and found it to be without error, adopts it as its own.<sup>1</sup>

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<sup>1</sup>Pursuant to 28 U.S.C. § 636(b)(1), this Court makes a de novo determination of those portions of the R&R to which a timely objection is made.

Therefore, the motion to dismiss is granted in part and denied in part as described in the R&R.

IT IS SO ORDERED.

/s/ Lesley Wells  
UNITED STATES DISTRICT JUDGE

Date: 9 June 2015

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“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”  
Fed. R. Civ. P. 72(b) advisory committee's note.