

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Regina Denise Johnson,)	C/A No.: 3:17-895-MGL-SVH
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
United States of America and Raymond Mitchell,)	
)	
Defendants.)	
)	

**ORDER SUBSTITUTING THE UNITED STATES AS DEFENDANT IN LIEU OF
DEFENDANTS McKNIGHT, TURNER AND
THE DEPARTMENT OF VETERANS AFFAIRS**
28 U.S.C. § 2679(d)(1) and (d)(2)

As the designee of the United States Attorney General, the United States Attorney for the District of South Carolina has certified that named defendants Kenyatta McKnight and Mark Turner were acting within the scope of their employment at all times alleged in the Complaint. The Federal Employee Liability Reform and Tort Compensation Act of 1988, commonly known as the Westfall Act amendment to the Federal Tort Claims Act, provides that upon such certification, "any civil action or proceeding commenced upon such claim in a United States district court shall be deemed an action against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant." 28 U.S.C. § 2679(d)(1).

Based on the Certification, the Clerk of Court is to substitute the United States as a party Defendant in the place of Kenyatta McKnight and Mark Turner and amend the

caption accordingly. See *Berkeley-Dorchester Ctys. Econ. Dev. Corp. v. U.S. Dept of Health & Human Servs.*, 395 F. Supp. 2d 317 (D.S.C. 2005) (noting mandatory nature of substitution upon Westfall Act certification, but indicating that "when a certification decision is challenged [] the appropriateness of substitution is subject to judicial review").

Accordingly, the United States is substituted as the party defendant for the individual federal employees and the agency. The caption of this case is thereby corrected.

IT IS SO ORDERED.



October 11, 2017
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge