

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JAMES ROBERTS, JR.,)
)
 Plaintiff,)
)
 v.)
)
 UNITED STATES of AMERICA,)
)
 Defendants.)

Case No. 19-2575-CM-TJJ

MEMORANDUM AND ORDER

This matter is before the court on the United States’¹ Motion to Substitute Defendants, Amend Caption, and Dismiss Complaint for Lack of Personal Jurisdiction (or, Alternatively, for an Order that the United States Need Not Answer or Otherwise Move with Respect to the Complaint until 60 Days After Proper Service). (Doc. 5.) Magistrate Judge James ruled on the non-dispositive portions of the motion, and the undersigned referred the dispositive portion of the motion for a Report and Recommendation. *See* 28 U.S.C. § 636(b)(1); D. Kan. Rule 72.1.1(d) Upon careful review, Magistrate Judge James recommended that (1) the motion’s alternative request to dismiss be denied, and (2) the United States be required to answer or otherwise respond to plaintiff’s complaint within 60 days following the court’s order (Doc. 7) substituting the United States as the sole party defendant. (Doc. 8.) The deadline to file objections has passed and none have been filed. The court agrees with and adopts Magistrate Judge James’s Report and Recommendation in its entirety.

IT IS THEREFORE ORDERED that the Report and Recommendation (Doc. 8) is adopted without objections. The United States’ Motion to Substitute Defendants, Amend Caption, and Dismiss Complaint for Lack of Personal Jurisdiction (or, Alternatively, for an Order that the United States

¹ This motion was originally filed on behalf of two individual employees of the Internal Revenue Service.

Need Not Answer or Otherwise Move with Respect to the Complaint until 60 Days After Proper Service) (Doc. 5) is denied in part. The court denies the motion's alternative request to dismiss.

IT IS FURTHER ORDERED that the United States answer or otherwise respond to plaintiff's complaint within 60 days following the court's December 20, 2019 order (Doc. 7) substituting the United States as the sole party defendant.

Dated this 6th day of January, 2019, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge