

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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MELISSA HILL,

Plaintiff,

v.

**ORDER**

Civil File No. 12-738 (MJD/AJB)

CITY OF MINNEAPOLIS, MINNEAPOLIS POLICE  
DEPARTMENT, OFFICER AMY VREELAND,  
THE UNITED STATES FEDERAL PROTECTIVE  
SERVICE, FPR INSPECTOR JESSE RODRIGUEZ,  
DECO, INC., TIMOTHY SARKELA, JOHN KANGA,  
and MICHAEL THOMS,

Defendants.

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Nadege J. Souvenir and William Z. Pentolovitch, Maslon Edelman Borman &  
Brand, Teresa J. Nelson, ACLU of Minnesota, Counsel for Plaintiff.

David W. Fuller, Assistant United States Attorney, Counsel for Defendants  
The United States Federal Protective Service and FPR Inspector Jesse Rodriguez.

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The above-entitled matter comes before the Court upon the Report and  
Recommendation of United States Chief Magistrate Judge Arthur J. Boylan dated  
December 26, 2012. [Docket No. 59] Plaintiff Melissa Hill filed objections to the  
Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Chief Magistrate Judge Boylan filed December 26, 2012.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Chief Magistrate Judge Boylan dated December 26, 2012 [Docket No. 59].
2. Defendants The United States Federal Protective Service and FPS Inspector Jesse Rodriguez's Motion to Dismiss [Docket No. 36] is **GRANTED IN PART** and **DENIED IN PART** as follows:
  - a. The motion to dismiss Count I claims against The United States Federal Protective Service and FPS Inspector Jesse Rodriguez for actions taken in an official capacity is **GRANTED**;
  - b. Defendant The United States Federal Protective Service is **DISMISSED** as a Defendant in this action; and
  - c. The motion to dismiss Count I individual claims against FPS Inspector Jesse Rodriguez on qualified immunity grounds is **DENIED** without prejudice.

Dated: March 18, 2013

s/ Michael J. Davis

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Michael J. Davis

Chief Judge

United States District Court