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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD CLYMORE; AND, DEBRA
HARBIN-CLYMORE,

Plaintiffs,

v.

FEDERAL RAILROAD
ADMINISTRATION; CHARLES MARK
HAGOOD; AND, THE UNITED STATES
OF AMERICA,

Defendants.

Case No. 1:14-CV-0101-AWI-SMS

ORDER GRANTING DEFENDANTS'
MOTION TO STRIKE PLAINTIFFS'
REQUEST FOR A JURY TRIAL.

(Doc. No. 8)

Before the Court in the above-styled and numbered cause of action is Defendants' "Notice of Motion and United States' Motion to Strike Jury Demand," filed April 4, 2014 (Doc. 8). Plaintiffs' complaint seeks damages for negligence under the Federal Tort Claims Act (Doc. 1). Defendant argues, and the Court agrees, that there is no federal right to a jury trial in a case brought under the FTCA. 28 U.S.C. § 2402. Because Plaintiff does not oppose the motion, (*see* Doc. 11), and there is no federal right to a jury trial, the Court will strike Plaintiff's demand pursuant to Rule 39(a)(2). Accordingly, **IT IS HEREBY ORDERED** that Defendants' Motion to Strike (Doc. 8) is **GRANTED**.
IT IS SO ORDERED.

Dated: December 3, 2014

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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