

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 11-cv-02347-RPM

MARCO A. HERNANDEZ,

Plaintiff,

v.

UNITED STATES OF AMERICA and
TRANSPORTATION SECURITY ADMINISTRATION,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION AND REQUEST FOR RECONSIDERATION
PURSUANT TO FED.R.CIV.P. 59 AND REQUEST FOR REINSTATEMENT OF CASE

Upon review of the pleading filed August 1, 2012, by counsel for the plaintiff, entitled Plaintiff's Motion and Request for Reconsideration Pursuant to Fed.R.Civ.Pro 59 and Request for Reinstatement of Case [19] and the request for reconsideration of the dismissal of the Federal Tort Claims Act claim states only conclusions with respect to whether a negligence claim has been stated under either Florida or Colorado law and, accordingly, is insufficient. The plaintiff also again seeks to amend the complaint, now to claim individual liability against the persons named as TSA employees in the amended complaint. This case was initiated by a complaint filed on September 7, 2011, and plaintiff's counsel has been struggling to attempt to state a cognizable claim. There is no justification for the delays involved in the plaintiff's search for a remedy and to grant permission now to name individual defendants as liable for events that took place in 2009 and early 2010 is untimely. Accordingly, it is

ORDERED that the relief requested in the plaintiff's Motion and Request for Reconsideration Pursuant to Fed.R.Civ.Pro 59 and Request for Reinstatement of Case is denied.

DATED: August 2nd, 2012

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge