

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

JACQUELINE FERREE,)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 2:16-CV-496-PRC
)	
UNITED STATES OF AMERICA,)	
Defendant.)	

OPINION AND ORDER

This matter is before the Court on a Motion to Strike Jury Demand [DE 31], filed by the United States of America on January 30, 2018. Plaintiff Jacqueline Ferree did not file a response, and her deadline by which to do so has passed.

The United States of America asks the Court to strike Plaintiff’s Jury Demand on the basis that a jury trial is not available in this litigation, brought under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2671 *et seq.* “Claims under the FTCA may not be tried to a jury” *Manning v. United States*, 546 F.3d 430, 432 (7th Cir. 2008) (citing 28 U.S.C. § 2402). An exception exists for internal revenue cases, but that is not relevant here. *See* 28 U.S.C. §§ 1346(a), 2402.

Based on the foregoing and noting the lack of objection, the Court hereby **GRANTS** the Motion to Strike Jury Demand [DE 31] and **STRIKES** Plaintiff’s Jury Demand. The Court **DIRECTS** the Clerk of Court to modify the record to reflect that the Jury Demand has been stricken. The Court **CONVERTS** the Jury Trial setting in this case to a Bench Trial.

SO ORDERED this 14th day of February, 2018.

s/ Paul R. Cherry

MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT