

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

GWIN STEWART,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:15-CV-1124 CAS
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**ORDER**

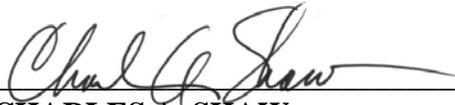
This matter is before the Court on defendant United States of America’s motion to strike plaintiff’s jury demand. Plaintiff did not respond to the government’s motion, and the time to do so has expired.

Plaintiff Gwin Stewart brings this action pursuant to the Federal Tort Claims Act (“FTCA”) for injuries she sustained after allegedly falling into an unmarked hole on the property of the Jefferson National Expansion Memorial on July 4, 2012. Plaintiff brings no other claims against any other defendant. As pointed out by the government in its motion, the language of 28 U.S.C. § 2402 provides that “any action against the United States under section 1346 shall be tried by the court without a jury . . . .” Under the authority of this statute, the government’s motion will be granted.

The parties should be aware, however, that should this case proceed to trial and issues of fact remain, the Court may at its discretion empanel an advisory jury panel.

Accordingly,

**IT IS HEREBY ORDERED** that defendant United States of America's motion to strike plaintiff's jury demand is **GRANTED**. [Doc. 4]

  
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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 19th day of January, 2016.