

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

STEPHEN EARL,	)	
	)	
Plaintiff,	)	
vs.	)	<b>5:14-CV-115-F</b>
UNITED STATES OF AMERICA,	)	
Defendants.	)	

**Decision by Court.**

This action came before the Honorable James C. Fox, Senior United States District Judge, for ruling as follows:

**IT IS ORDERED, ADJUDGED AND DECREED** pursuant to the court's order dated 4/2/2015 Plaintiffs Motion to Amend [DE-14] is DENIED as futile. The Government's Motion to Dismiss [DE-II] is ALLOWED as to any medical malpractice claims asserted by Plaintiff, but DENIED as to Plaintiffs claim sounding in ordinary negligence.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Government's Motion for Summary Judgment [DE-36] is ALLOWED and the Motion for Non-Jury Trial [DE-56] is DISMISSED as moot.

**This Judgment Filed and Entered on May 31, 2016, and Copies To:**

Cedric R. Perry (via CM/ECF Notice of Electronic Filing)  
Kimberly A. Moore (via CM/ECF Notice of Electronic Filing)

DATE  
May 31, 2016

**JULIE RICHARDS JOHNSTON, CLERK**  
\_\_\_\_\_  
/s/ Susan K. Edwards  
(By) Susan K. Edwards, Deputy Clerk