

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:16-cv-00104-MR-DLH**

<b>PATRICIA BLOKER MACHNIK,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	
<hr style="width:50%; margin-left:0"/>	)	

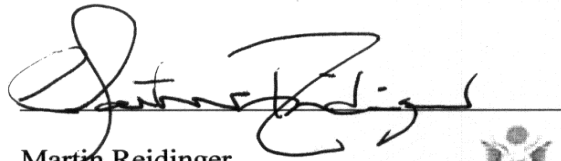
**THIS MATTER** is before the Court on the Defendant's Motion to Strike Jury Demand. [Doc. 31].

The Defendant moves to strike the jury demand set forth in the Plaintiff's Amended Complaint. [Doc. 31]. The Plaintiff asserts claims under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b)(1), 2671-2680 ("FTCA"). Title 28 of the United States Code, Section 2402 provides that FTCA actions are to be tried without a jury. 28 U.S.C. § 2402; Carlson v. Green, 446 U.S. 14, 22 (1980) ("a plaintiff cannot opt for a jury in a FTCA action").

**IT IS, THEREFORE, ORDERED** that the Defendant's Motion to Strike Jury Demand [Doc. 31] is **GRANTED**, and the jury demand set forth in the Plaintiff's Amended Complaint [Doc. 4] is hereby **STRICKEN**.

**IT IS SO ORDERED.**

Signed: December 21, 2017

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger  
United States District Judge

