

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LYNN RANDOLPH and KENNETH	)	
RANDOLPH,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 2:10-868
v.	)	
	)	
UNITED STATES OF AMERICA,	)	Magistrate Judge Cathy Bissoon
	)	
Defendant.	)	

**MEMORANDUM ORDER**

Pending before the Court is Defendant United States of America’s Motion to Strike Jury Demand (Doc. 4). Plaintiffs Lynn Randolph and Kenneth Randolph were given an opportunity to respond to Defendant’s Motion to Strike, but did not file a response.

Plaintiffs bring this action under the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680 (“FTCA”). This Court has jurisdiction over FTCA actions pursuant to 28 U.S.C. § 1346(b)(1). See CAN v. United States, 535 F.3d 132, 140-41 (3d Cir. 2008). Actions under 28 U.S.C. § 1346(b)(1) must be tried by the court without a jury. 28 U.S.C. § 2402; see also United States v. Neustadt, 366 U.S. 696, 701 n.10 (1961) (“There is no right to a jury trial under the Tort Claims Act.”).

For the reasons stated above, the Court hereby **ORDERS** that Defendant United States of America’s Motion to Strike Jury Demand (Doc. 4) is **GRANTED**.

**IT IS SO ORDERED.**

s/ Cathy Bissoon \_\_\_\_\_  
Cathy Bissoon  
U.S. Magistrate Judge

September 21, 2010

cc (via e-mail): All counsel of record