

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

HEATHER PURSER,

Plaintiff,

v.

**UNITED STATES OF AMERICA,
as agent of Haskell Indian Nations University,)**

Defendant.

No. 06-2133-CM

ORDER

This case is before the court on Defendant's Motion to Strike Demand for Jury Trial (Doc. 6) and Defendant's Motion to Strike Demand for Punitive Damages (Doc. 7). Defendant asks the court to strike plaintiff's jury demand because this action sounds in tort, and any action against the United States under the Federal Tort Claims Act shall be tried to the court without a jury. 28 U.S.C. § 2402. Likewise, the United States is not liable for punitive damages under the FTCA. *Id.* § 2674. Plaintiff does not contest that she has no right to a jury trial or punitive damages. The court therefore grants defendant's motion.

IT IS THEREFORE ORDERED that Defendant's Motion to Strike Demand for Jury Trial (Doc. 6) and Defendant's Motion to Strike Demand for Punitive Damages (Doc. 7) are granted.

Dated this 1st day of November 2006, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge