

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

JAMES ROBERTSON,
Plaintiff,

v.

Case No. 5:22-cv-284-KKM-PRL

UNITED STATES OF AMERICA,
Defendant.

ORDER

Plaintiff James Robertson, an inmate of the federal penal system, initiated this action by filing a *pro se* complaint for the violation of his civil rights. (Doc. 1.) In an amended complaint, Robertson asserted claims under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1972),¹ and the Federal Tort Claims Act (FTCA). (Doc. 7.) The defendants moved to dismiss. (Doc. 40.) I granted the motion to dismiss without prejudice to Robertson filing a second amended complaint. (Doc. 58.) Robertson filed a second amended complaint asserting a *Bivens* claim only. (Doc. 62.) The defendants moved to dismiss Robertson's second amended complaint. (Doc. 74.) Robertson filed a third amended complaint, asserting only an FTCA claim. (Docs. 80, 80-1.) The Court denied the motion to dismiss as moot, dismissed the third amended complaint for failure to state a claim, and instructed Robertson to amend his FTCA claim. (Doc. 81.) Robertson filed a fourth amended complaint asserting his FTCA claim against the United States of America. (Doc. 82.) The United States of America answered the complaint. (Doc. 84.)

¹ The United States Supreme Court established the availability of a cause of action against federal officials in their individual capacities for certain violations of federal constitutional rights in *Bivens*. See 403 U.S. at 394-97.

Currently pending is Robertson's "motion to move forward in summary judgment and/or deposition hearing."² (Doc. 83.) Robertson's motion, (Doc. 83), is **DENIED in part** and **GRANTED in part**. There is no pending motion for summary judgment, and thus, to the extent that Robertson asks the Court to move forward in summary judgment, his motion is **DENIED**. To the extent that Robertson requests to move forward with the case, his motion is **GRANTED** in that the parties are **ORDERED** to submit a case management report by **January 15, 2024**. *See* Fed. R. Civ. P. 26(f); Middle District Local Rule 3.02(a). Robertson may address depositions and other discovery matters when he confers with the defendant to draft the report.

ORDERED in Tampa, Florida, on December 4, 2024.


Kathryn Kimball Mizelle
United States District Judge

² It is not clear whether Robertson intentionally requested a "deposition hearing" or instead intended to request a "disposition hearing."