

04-759 UNITED STATES V. OLSON

DECISION BELOW:362 F3d 1236

LOWER COURT CASE NUMBER: 03-15141

QUESTIONS PRESENTED:

With certain exceptions, the Federal Tort Claims Act waives the sovereign immunity of the United States for specified torts of federal employees acting within the scope of their employment, allowing liability "in the same manner and to the same extent as a private individual under like circumstances." 28 U.S.C. 2674. The Act also vests jurisdiction in federal district courts to hear such tort claims, "under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred." 28 U.S.C. 1346(b)(1).

The question presented is:

Whether the liability of the United States under the Federal Tort Claims Act with respect to safety inspections is the same as that of private individuals under like circumstances or, as the Ninth Circuit held, the same as that of state and municipal entities under like circumstances.

CERT. GRANTED 3/7/2005