

08-1529 MIGLIACCIO V. CASTANEDA

DECISION BELOW:546 F.3d 682

LOWER COURT CASE NUMBER: 08-55684

QUESTIONS PRESENTED:

Does 42 U.S.C. § 233(a) make the Federal Tort Claims Act the exclusive remedy for claims arising from medical care and related functions provided by Public Health Service personnel, thus barring Bivens actions?

CERT. GRANTED 9/30/2009

CONSOLIDATED WITH 08-1547 FOR ONE HOUR ORAL ARGUMENT -
08-1547 DISMISSED PURSUANT TO RULE 46 10/29/2009