

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 07-1675 JRT/FLN

CHRISTOPHER ROLLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>FEDERAL DEFENDANTS'</b>
	)	<b>RESPONSE TO MOTION</b>
GEORGE W. BUSH,	)	<b>FOR PARTIAL SUMMARY</b>
RICHARD B. CHENEY,	)	<b>JUDGMENT</b>
	)	
Defendants.	)	

**PROCEDURAL BACKGROUND**

This court has pending before it defendants' motion to dismiss. Plaintiff has responded to this motion with a memo in opposition to which the defendants have replied.

On or about July 9, 2007 plaintiff filed a motion for partial summary judgment. The defendants hereby oppose the motion for partial summary judgment.

**DISCUSSION**

Plaintiff initially sued the defendants for patent infringement. Compl. C.D.<sup>1</sup> On or about July 18, 2007, recognizing his inability to establish jurisdiction for that claim to be heard by the District Court, plaintiff filed an amended complaint. See Amended Compl. C.D. 10. The Amended

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<sup>1</sup>C.D. refers to the district court clerk's docket.

complaint sought to establish this court's jurisdiction under the Federal Tort Claims Act. Id. As set forth in defendants' motion to dismiss and defendants' reply to plaintiff's opposition thereto, (incorporated by reference herein) the plaintiff cannot establish a justiciable claim against the defendants. See C.D. 4-7 and 9. It therefore is axiomatic that plaintiff's motion for partial summary judgment must fail.

**CONCLUSION**

Plaintiff's motion for partial summary judgment must be denied.

Dated: July 18, 2007

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