

**15-109 SIMMONS V. HIMMELREICH**

DECISION BELOW: 766 F.3d 576

LOWER COURT CASE NUMBER: 13-4212

**QUESTION PRESENTED:**

The Federal Tort Claims Act (FTCA) judgment bar, 28 U.S.C. 2676, provides that "[t]he judgment in an action under section 1346(b) of this title," *i.e.*, the statutory provision that grants subject matter jurisdiction to federal district courts over FTCA cases, "shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the government whose act or omission gave rise to the claim." The question presented here is the same question on which this Court granted certiorari (but did not resolve) in *Will v. Hallock*, 546 U.S. 345 (2006):

Whether a final judgment in an action brought under Section 1346(b) dismissing the claim on the ground that relief is precluded by one of the FTCA's exceptions to liability, 28 U.S.C. 2680, bars a subsequent action by the claimant against the federal employees whose acts gave rise to the FTCA claim.

CERT. GRANTED 11/6/2015