

United States Court of Appeals  
For the Eighth Circuit

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No. 18-3525

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Consuelo E. Kelly-Leppert,

*Plaintiff - Appellant,*

v.

United States of America,

*Defendant - Appellee.*

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Appeal from United States District Court  
for the Western District of Missouri - Kansas City

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Submitted: December 3, 2019

Filed: December 10, 2019

[Unpublished]

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Before COLLOTON, BENTON, and GRASZ, Circuit Judges.

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PER CURIAM.

Consuelo Kelly-Leppert appeals the district court's<sup>1</sup> adverse grant of summary judgment, based on its finding that her Federal Tort Claims Act action was time-

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<sup>1</sup>The Honorable Beth Phillips, Chief Judge, United States District Court for the Western District of Missouri.

barred. Upon de novo review, *see Marsh v. Phelps Cty.*, 902 F.3d 745, 751 (8th Cir. 2018), we affirm. We agree that Kelly-Leppert's cause of action accrued prior to 2014, as she had her husband's death certificate and medical records by 2012, and that her administrative claim filed in 2016 was untimely, even if she filed this civil action within 6 months of the denial of that claim. *See United States v. Kubrick*, 444 U.S. 111, 123 (1979); *Sconiers v. United States*, 896 F.3d 595, 598-99 (3d Cir. 2018). We also agree that Kelly-Leppert adduced no evidence showing fraudulent concealment or incapacity to justify equitable tolling. *See Jessie v. Potter*, 516 F.3d 709, 715 (8th Cir. 2008); *Wehrman v. United States*, 830 F.2d 1480, 1483 (8th Cir. 1987).

The judgment is affirmed. *See* 8th Cir. R. 47B. Kelly-Leppert's pending motions are denied.

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