

FILED
NOV 29 2011
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHARLES JONES, :
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 Plaintiff, :
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 v. : Civil Action No. 11-1340
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 FEDERAL BUREAU OF PRISONS, :
 :
 :
 Defendant. :

MEMORANDUM OPINION

This matter is before the Court on plaintiff’s application to proceed *in forma pauperis* and *pro se* complaint. The application will be granted and the complaint will be dismissed.

Plaintiff states that “[d]efendants are being sued for negligent tort acts under 28 USC 2671-2675,” Am. Compl. [Dkt. #3] at 5, and his claim arises from the mishandling of his personal property upon his transfer from a federal correctional institution to the D.C. Jail, *see id.* at 6. Under the Federal Tort Claims Act (“FTCA”), *see* 28 U.S.C. §§ 2671-75, “[t]he United States shall be held liable . . . in the same manner and to the same extent as a private individual under like circumstances.” 28 U.S.C. § 2674. Before initiating a lawsuit in federal court, however, a claimant first must have “presented his to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail.” 28 U.S.C. § 2675(a). Alternatively, if the agency fails “to make final disposition of a claim within six months after it is filed,” the claimant may deem the claim denied. *Id.* Here, it does not appear that plaintiff has submitted an administrative claim to the Federal Bureau of Prisons. In these circumstances, “[t]he FTCA bars [him] from bringing suit . . . until [he has] exhausted [his] administrative remedies. *McNeil v. United States*, 508 U.S. 106, 113 (1993).

The Court will dismiss this action without prejudice for lack of subject matter

jurisdiction. An Order consistent with this Memorandum Opinion is issued separately on this same date.

Rosemary M. Collyer
United States District Judge

DATE: *26 October 2011*