

United States Court of Appeals
For the Eighth Circuit

No. 14-1670

Guillermo Quinones

Plaintiff - Appellant

v.

United States of America

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Arkansas - Helena

Submitted: September 17, 2014

Filed: September 23, 2014

[Unpublished]

Before WOLLMAN, BYE, and SMITH, Circuit Judges.

PER CURIAM.

Guillermo Quinones appeals the district court's¹ order dismissing his action under the Federal Tort Claims Act for lack of jurisdiction. After careful review, see

¹The Honorable D.P. Marshall Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Joe J. Volpe, United States Magistrate Judge for the Eastern District of Arkansas.

Appley Bros. v. United States, 164 F.3d 1164, 1169-70 (8th Cir. 1999) (findings of fact are reviewed for clear error and application of law is reviewed de novo), we agree with the district court that Quinones failed to timely present his claim to the Bureau of Prisons, and thus dismissal was proper. See 28 U.S.C. § 2401(b); Motley v. United States, 295 F.3d 820, 822 (8th Cir. 2002); K.E.S. v. United States, 38 F.3d 1027, 1030 (8th Cir. 1994). Accordingly, we affirm, see 8th Cir. R. 47B, and we deny Quinones's appellate motion.
