

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 22 2021

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AZIZI ANSARI,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants-Appellees.

No. 20-16926

D.C. No. 4:19-cv-00502-RM-PSOT

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Rosemary Márquez, District Judge, Presiding

Submitted September 14, 2021**

Before: PAEZ, NGUYEN, and OWENS, Circuit Judges.

Azizi Ansari appeals pro se from the district court’s judgment dismissing his action alleging claims under the Federal Tort Claims Act (“FTCA”). We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal on the basis of lack of jurisdiction due to a failure to exhaust. *Brady v. United States*, 211 F.3d

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

499, 502 (9th Cir. 2000). We affirm.

The district court properly dismissed Ansari's FTCA claim for lack of subject matter jurisdiction because Ansari failed to exhaust his administrative remedies prior to bringing suit. *See* 28 U.S.C. § 2675(a) (setting forth FTCA's administrative exhaustion requirement); *Brady*, 211 F.3d at 502-03 (federal courts lack jurisdiction to adjudicate an FTCA claim unless the claimant has first exhausted administrative remedies).

AFFIRMED.