

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

CHARLES EDWARDS
REG # 04462-010

PLAINTIFF

v.

2:15CV00159-BSM-JJV

DEPARTMENT OF JUSTICE

DEFENDANT

ORDER

After review of Plaintiff's Complaint (Doc. No. 2), I conclude that he has, for screening purposes only, stated a viable claim under the Federal Tort Claims Act ("FTCA"). While Plaintiff has characterized his suit as proceeding against the Department of Justice, it may only proceed against the United States of America itself. *See Galvin v. Occupational Safety & Health Admin.*, 860 F.2d 181, 183 (5th Cir. 1988) ("Thus, an FTCA claim against a federal agency or employee as opposed to the United States itself must be dismissed for want of jurisdiction."). Federal Rule of Civil Procedure 21 provides that "[o]n motion or on its own, the court may at any time, on just terms, add or drop a party." Accordingly, Defendant Department of Justice shall be dismissed without prejudice and Defendant United States of America shall be added.

IT IS, THEREFORE, ORDERED that:

1. Defendant Department of Justice be DISMISSED without prejudice and the Clerk of Court shall substitute Defendant United States of America in its place.
2. The Clerk of the Court shall prepare Summons for Defendant United States of America and the United States Marshal shall serve a copy of the Summons, Complaint (Doc. No. 2), and this Order on the Defendant, United States Attorney for this District, and the United States Attorney General without prepayment of fees and costs or security therefore.

IT IS SO ORDERED this 3rd day of December, 2015.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE