

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

TONY L. HAMILTON
Reg #12422-017

PLAINTIFF

v.

No. 2:17-cv-22-DPM-JTK

USA; and K. BRISTER, Officer,
Individually and in official capacities

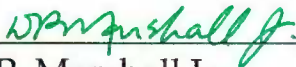
DEFENDANTS

ORDER

1. On *de novo* review, the Court adopts the recommendation, *No 39*, and overrules Hamilton's objections, *No 48*. FED. R. CIV. P. 72(b)(3). Contrary to what his objection says, Hamilton did request money damages in his complaint. *No 2 at 12*. Further, the statute required Hamilton to present his claim to the Bureau – not his Senator – and have it finally denied in writing before bringing suit. 28 U.S.C. § 2675(a); *No 48 at 7–8*. It doesn't appear that happened here. Finally, Hamilton's 1 November 2017 submission doesn't save his FTCA claim. *No 48 at 9–10*. Hamilton had to present his claim *before* filing this lawsuit in February, not after. 28 U.S.C. § 2675(a).

2. The United States' motion to dismiss, *No 32*, is granted. Hamilton's FTCA claim is dismissed without prejudice for failure to exhaust.

So Ordered.



D.P. Marshall Jr.
United States District Judge

12 December 2017