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11 Attorney for Plaintiff CITY OF SUISUN, CALIFORNIA

12  
 13 THE UNITED STATES DISTRICT COURT  
 14 THE EASTERN DISTRICT OF CALIFORNIA

16 CITY OF SUISUN, CALIFORNIA,  
 17 Plaintiff,  
 18 v.  
 19 DEPARTMENT OF HOMELAND  
 SECURITY; UNITED STATES COAST  
 20 GUARD; JOSHUA MATTHEW ETHERIDGE,  
 21 Defendants.

Case No. 2:13-cv-02399 MCE-KJN

**STIPULATION TO SUBSTITUTE UNITED STATES OF AMERICA AS DEFENDANT AND ORDER**

22 Defendant Department of Homeland Security, Defendant United States Coast Guard, and  
 23 Plaintiff City of Suisun, California, by and through their respective counsel, stipulate to substitute  
 24 the United States as Defendant in place of the Department of Homeland Security and the United  
 25 States Coast Guard. The United States is the only proper party defendant for claims under the  
 26 Federal Tort Claims Act. 28 U.S.C. §§ 1346(b)(1) and 2679(a); *FDIC v. Craft*, 157 F.3d 697, 706  
 27 (9th Cir. 1998) (“The FTCA is the exclusive remedy for tortious conduct by the United States, and it  
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1 only allows claims against the United States. Although such claims can arise from the acts or  
2 omissions of United States agencies (28 U.S.C. § 2671), an agency itself cannot be sued under the  
3 FTCA.”).

4  
5 DATED: November 25, 2013

BENJAMIN B. WAGNER  
United States Attorney

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7 By: /s/ Chi Soo Kim  
8 CHI SOO KIM  
Assistant United States Attorney

9  
10 DATED: November 26, 2013

11 By: /s/ Mark H. Baker  
12 MARK H. BAKER  
Attorney for Plaintiff City of Suisun,  
13 California

14  
15 **ORDER**

16 IT IS SO ORDERED.

17 Dated: December 6, 2013

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19   
20 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT