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28**\*\*E-filed 10/4/10\*\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CHARLES E. JEFFERSON,

No. C 10-3082 RS

Plaintiff,

v.

**ORDER GRANTING MOTION TO  
SUBSTITUTE DEFENDANT, AND  
GRANTING MOTION TO DISMISS**

NOEL STAFFORD,

Defendant.  

---

Plaintiff Charles E. Jefferson, appearing *pro se*, filed this action in the Small Claims division of Alameda County Superior Court, alleging that he suffered approximately \$1800 in damages when his automobile was sideswiped by a vehicle driven by defendant Noel Stafford. Stafford is an employee of the U.S. Postal Service, and the United States Attorney has certified pursuant to 28 U.S.C. § 2679(d) that Stafford was acting within the course and scope of employment at the time of the alleged incident. The United States removed the action to this Court and now moves to substitute itself as the defendant herein. The United States also moves to dismiss, on grounds that Jefferson has not exhausted his administrative remedies by filing a claim with the Postal Service. Jefferson has filed no response to the United States' motion.

Pursuant to Civil Local Rule 7-1(b), this matter is suitable for disposition without oral argument. Good cause appearing, the motion to substitute the United States as defendant is granted.

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The motion to dismiss is likewise well taken. Prior to initiating suit against the United States in circumstances like these, a plaintiff must present an administrative claim to the federal agency. 28 U.S.C. § 2675(a). The agency must either finally deny the claim or fail “to make final disposition of a claim within six months after it is filed . . . .” *Id.* Because such an administrative claim may be filed up to two years after the incident at issue, see 28 U.S.C. § 2401(b), it appears Jefferson will still be able to file a timely claim with the Postal Service. Accordingly, good cause appearing, this action is hereby dismissed without prejudice, to permit Jefferson to pursue his administrative remedies. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: 10/4/10

  
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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

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**THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:**

**Charles E. Jefferson**  
1825 Linden Street  
Oakland, CA 94607

DATED: 10/4/10

/s/ Chambers Staff  
Chambers of Judge Richard Seeborg

\* Counsel are responsible for distributing copies of this document to any co-counsel who have not registered with the Court's electronic filing system.