

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 11-cv-02347-RPM

MARCO A. HERNANDEZ,

Plaintiff,

v.

UNITED STATES OF AMERICA and
TRANSPORTATION SECURITY ADMINISTRATION,

Defendants.

ORDER GRANTING MOTION TO DISMISS WITH LEAVE TO AMEND

Upon review of the complaint, the defendants' motion to dismiss, filed March 19, 2012, [6] and the plaintiff's response filed April 30, 2012, [11], it is

ORDERED that the defendants' motion to dismiss is granted under Fed.R.Civ.P. 12(b)(5) and for failure to plead subject matter jurisdiction and it is

FURTHER ORDERED that the plaintiff shall have to and including May 16, 2012, within which to file an amended complaint.

DATED: May 1st, 2012

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge