

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**MAY - 5 2011**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

Barbara M. Bush, )  
)  
Plaintiff, )  
)  
v. )  
)  
Headquarters for U.S. Attorney General )  
Gonzalez *et al.*, )  
)  
Defendants. )

Civil Action No. **11-1839**

MEMORANDUM OPINION

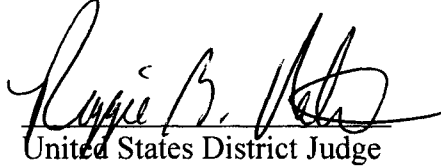
This matter is before the Court on its review of the plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring dismissal of an action "at any time" the Court determines that it lacks subject matter jurisdiction).

The plaintiff is a resident of Hyattsville, Maryland, suing the United States for allegedly detaining her without due process of law. *See* Complaint at 2. Although the complaint lacks clarity and cohesion, the plaintiff seems to allege that while confined at a federal prison for a mental competency evaluation, she was interrogated and tortured. She seeks \$50,000 in damages "for the imprisonment and torture." *Id.* at 7.

A claim for monetary damages against the United States is cognizable under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671 *et seq.* Such a claim is maintainable, however, only after the plaintiff has exhausted administrative remedies by "first present[ing] the claim to the appropriate Federal agency. . . ." 28 U.S.C. § 2675. This exhaustion requirement is jurisdictional. *See GAF Corp. v. United States*, 818 F.2d 901, 917-20 (D.C. Cir. 1987); *Jackson v. United States*, 730 F.2d 808, 809 (D.C. Cir. 1984); *Stokes v. U.S. Postal Service*, 937 F. Supp.

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11, 14 (D.D.C. 1996). The plaintiff has not indicated that she exhausted her administrative remedies under the FTCA. Therefore, the complaint will be dismissed. See *Abdurrahman v. Engstrom*, 168 Fed.Appx. 445, 445 (D.C. Cir. 2005) (per curiam) (“[T]he district court properly dismissed case [based on unexhausted FTCA claim] for lack of subject matter jurisdiction.”).<sup>1</sup>

  
United States District Judge

Date: April 30, 2011

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<sup>1</sup> A separate Order accompanies this Memorandum Opinion.