

FILED

DEC 18 2012

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

David Stebbins,)
)
Plaintiff,)
)
v.)
)
United States,)
)
Defendant.)

Civil Action No. **12 2029**

MEMORANDUM OPINION

This matter is before the Court on its initial review of plaintiff's complaint and the accompanying application to proceed *in forma pauperis*. For the following reasons, the Court will grant the *in forma pauperis* application and will dismiss this action 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).

Plaintiff is suing the United States under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346, 2671-80, "for the value of [the] cases" in which the U.S. Court of Federal Claims allegedly failed to docket his notices of appeal. Compl. at 1. The United States has consented to be sued under the FTCA "under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred." *Id.*, § 1346(b)(1). The FTCA does not apply to the instant complaint arising out of the decisions of a federal court. A separate Order of dismissal accompanies this Memorandum Opinion.

DATE: December 13th, 2012


United States District Judge