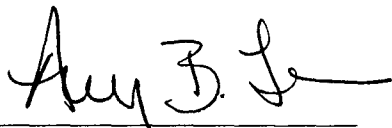


Mitchell, 445 U.S. 535, 538 (1980) (citation omitted); see *Lane v. Pena*, 518 U.S. 187, 192 (1996) (the United States may be sued only upon consent “unequivocally expressed in statutory text[.]”). The Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346, 2671-80, provides a limited waiver of the sovereign’s immunity for money damages “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 United States has not consented to be sued for constitutional violations. See *FDIC v. Meyer*, 510 U.S. 471, 476-78 (1994).

To the extent that plaintiff is suing for negligence, see Compl. at 2, jurisdiction is wanting because plaintiff has not indicated that he has exhausted his administrative remedies by “first present[ing] the claim to the appropriate Federal agency. . . .,” 28 U.S.C. § 2675, and this exhaustion requirement is jurisdictional. See *Abdurrahman v. Engstrom*, 168 Fed.Appx. 445, 445 (D.C. Cir. 2005) (per curiam) (affirming the district court’s dismissal of unexhausted FTCA claim “for lack of subject matter jurisdiction”); accord *Simpkins v. District of Columbia Gov’t*, 108 F.3d 366, 371 (D.C. Cir. 2007). Hence, this case will be dismissed. A separate Order accompanies this Memorandum Opinion.


United States District Judge

DATE: October 7^M, 2014