

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JIMMIE MCNAIR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 19-cv-885 (TSC)
	)	
U.S. BUREAU OF PRISONS <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	
	)	

**MEMORANDUM OPINION**

Pending is the United States Bureau of Prisons’ Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(3) for improper venue, ECF No. 9. Plaintiff, appearing *pro se*, has not opposed the motion by the court-imposed deadline of September 23, 2019, *see* Order, ECF No. 10, nor has he requested more time to do so. For the following reasons, the Court will grant defendants’ motion and dismiss the case.

Plaintiff is a former federal prisoner residing in Bowie, Maryland. He has sued the Bureau of Prisons and a dentist who allegedly treated him at the Federal Correctional Institution in Fairton, New Jersey. Plaintiff seeks monetary damages for “emotional distress, pain [and] suffering, . . . misrepresentations and lack of adequate medical attention.” Compl. at 1. The complaint does not include a jurisdictional statement, but defendants have reasonably considered it as arising under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b), 2671-80. *See* Mem. of Points and

Authorities at 1-2; Compl. Attachment (final agency decision denying Administrative Claim for personal injury).

The FTCA’s venue provision requires that a claim be brought “only in the judicial district where the plaintiff resides or wherein the act or omission complained of occurred.” 28 U.S.C. § 1402(b). By his silence, plaintiff has conceded that (1) he “resides in Maryland,” and (2) “[t]he events giving rise to this litigation occurred in New Jersey.” Defs.’ Mem. at 3. Therefore, the Court agrees that this venue is improper, and dismissal is appropriate. A separate order accompanies this Memorandum Opinion.

Date: October 23, 2019

*Tanya S. Chutkan*  
TANYA S. CHUTKAN  
United States District Judge