

Plaintiff alleges that Officer Smith’s stop was an abuse of power and that the Officer “is racist to Hispanic[] immigrants.” *Id.* at 1. For the “emotional and psychological trauma” caused by the event, Plaintiff requests \$1,000,000 in damages. *Id.* at 2. Plaintiff’s *pro se* lawsuit for alleged abuse of process was originally filed in the Superior Court of the District of Columbia and was removed to this court pursuant to 28 U.S.C. §§ 1442(a)(1) and 1446. *See* Notice of Removal.

The Federal Tort Claims Act (“FTCA”), which governs this case, “was designed primarily to remove the sovereign immunity of the United States from suits in tort and, with certain specific exceptions, to render the Government liable in tort as a private individual would be under like circumstances.” *Richards v. United States*, 369 U.S. 1, 6 (1962). The FTCA states, however, that “[a]n action shall not be instituted upon a claim against the United States for money damages . . . unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency.” 28 U.S.C. § 2675(a). This concept, known as “administrative exhaustion,” requires the plaintiff to present the agency with (1) “a written statement sufficiently describing the injury to enable the agency to begin its own investigation,” and (2) “a sum-certain damages claim.” *GAF Corp. v. United States*, 818 F.2d 901, 905 (D.C. Cir. 1987). If a plaintiff has not exhausted his administrative remedies prior to filing suit in federal court, the court lacks subject matter jurisdiction. *See Simpkins v. District of Columbia*, 108 F.3d 366, 371 (D.C. Cir. 1997).

Defendant argues that the Complaint must be dismissed because Plaintiff “failed to exhaust his administrative remedies prior to filing suit.” Def.’s Mot. at 6. The court agrees. Plaintiff failed to plead administrative exhaustion in his Complaint, and the record before the court indicates that no claim was presented to the agency. *See Allen v. Brown*, 320 F. Supp. 3d 16, 32 (D.D.C. 2018); Def.’s Mot., Joyce Declaration, ECF No. 4-1, at ¶¶ 3–4 (stating that the agency’s Senior Counsel

found no FTCA claims filed by Plaintiff against Defendant). Because Plaintiff failed to exhaust his administrative remedies, the court does not have jurisdiction over this action.

Accordingly, Defendant's motion is granted. A separate, final order accompanies this Memorandum Opinion.

Dated: April 14, 2023

A handwritten signature in black ink that reads "Amit Mehta". The signature is written in a cursive style with a large initial "A" and a long horizontal stroke at the end.

Amit P. Mehta
United States District Court Judge