

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JOHN EDWARD FOLAND,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 23-00761 (UNA)
	)	
	)	
FEDERAL BUREAU	)	
OF INVESTIGATION,	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION**

This matter is before the Court on its initial review of Plaintiff’s *pro se* complaint and application for leave to proceed *in forma pauperis*. The Court will grant the application and dismiss the complaint for lack of subject-matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action “at any time” it determines that subject-matter jurisdiction is wanting).

Plaintiff has filed a “Complaint for a Civil Case Alleging Negligence” against the Federal Bureau of Investigation (FBI). He seeks “Some substantial Offer.” Compl., Sec. IV. Relief. The United States, of which the FBI is a part, may be sued only upon consent. *United States v. Mitchell*, 445 U.S. 535, 538 (1980) (citation omitted). A waiver of the United States’ immunity “must be unequivocally expressed in statutory text, and [it cannot] be implied.” *Lane v. Pena*, 518 U.S. 187, 192 (1996) (citations omitted).

In the caption of the complaint, Plaintiff cites the diversity statute, 28 U.S.C. § 1332. That statute is inapposite because it authorizes suits against “citizens” of States, which the United States clearly is not. The Federal Tort Claims Act, 28 U.S.C. §§ 2671-80, waives the United States’

