

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES C. DAVIS,

Plaintiff,

v.

JEH JOHNSON
Secretary, Department of Homeland
Security,

Defendant.

CIVIL ACTION FILE
NO. 1:15-CV-4137-TWT

ORDER

This is an FLSA action seeking overtime pay and law enforcement officer retirement benefits. It is before the Court on the Report and Recommendation [Doc. 20] recommending that the Government's Motion to Dismiss [Doc. 3] be granted. For the reason set forth in the thorough and well-reasoned Report and Recommendation, the pro se Plaintiff may not pursue this action as an FLSA collective action or as a class action. The Court lacks subject matter jurisdiction under the Federal Tort Claims Act for failure to exhaust administrative remedies. Any claim for retirement benefits must be filed in the Federal Circuit. The Title VII claim should be dismissed for failure to state a claim. The Court approves and adopts the Report and

Recommendation as the judgment of the Court. The Government's Motion to Dismiss [Doc. 3] is GRANTED. The Plaintiff has 14 days from the date of this Order to file an amended complaint setting forth specific facts that would give the Court jurisdiction under the Little Tucker Act. All remaining motions are DENIED.

SO ORDERED, this 15 day of June, 2016.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge