

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

SANDRA DAWN LEQUIEU,
Plaintiff,

v.

UNITED STATES POST OFFICE –
BONNERS FERRY, TERESA SKEEN, and
MIKE FELLER,
Defendants.

Case No. 2:16-cv-00137-DCN

**MEMORANDUM DECISION AND
ORDER**

INTRODUCTION

The Court has before it Plaintiff Sandra Lequieu's Motion to Appoint Counsel. Dkt. 8. For the reasons set forth below the Court will DENY the Motion. Additionally, upon further review, the Court must dismiss this case in its entirety as Lequieu's claim is statutorily barred.

DISCUSSION

In reviewing Lequieu's case as it relates to the above referenced Motion for Appointment of Counsel, the Court became aware of a deficiency, which is unfortunately fatal to this lawsuit.

The Court has the burden of ensuring that all cases filed by pro se litigants conform with all appropriate laws and statutes. The Court shall dismiss the case *at any time* if the Court becomes aware of any errors. 28 U.S.C. § 1915(e)(2)(emphasis added). The Court must dismiss a case if it determines that the action fails to state a claim upon which relief can be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

Here, Lequieu's complaint alleges a tort action against a government entity—the US Post Office in Bonners Ferry—and two employees in that office. As explained in the Court's prior decision and order (Dkt. 7), the Federal Tort Claims Act (FTCA) governs all suits against the

United States government, its subsidies, and employees. The FTCA outlines that “a tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency *within two years* after such claim accrues” 28 U.S.C.A. § 2401(b) (emphasis added).

Lequieu’s accident occurred on or about January 11, 2013. The FTCA, therefore, required that she file suit no later than January 1, 2015. Lequieu, however, did not file suit until 15 months later on April 1, 2016. Her claim is therefore time-barred. As the FTCA claim is the sole count in this case, there is no longer a claim upon which relief can be granted and the case must be dismissed.

ORDER

IT IS ORDERED:

1. Plaintiff’s Motion to Appoint Counsel (Dkt. 8) is dismissed as **MOOT**.
2. This action is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim.



DATED: October 3, 2017

A handwritten signature in black ink, appearing to read "David C. Nye", written over a horizontal line.

Honorable David C. Nye
United States District Court