

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:12-CV-00864-H

GO LOAD TRUCKING

PLAINTIFF

v.

U.S. POSTAL SERVICE

DEFENDANT

MEMORANDUM OPINION AND ORDER

Plaintiff, Go Load Trucking, has filed suit against the United States Postal Service for misdelivery of a certified mailing with restricted delivery. The Postal Service has moved to dismiss. The Court has reviewed the motion and response and finds the result to be quite straightforward.

There are two reasons why this case must be dismissed. First, though the Federal Torts Claims Act (“FTCA”) waives sovereign immunity in most tort cases, it does not do so in cases arising from the loss, miscarriage or negligent transmission of letters. 28 U.S.C. § 2680(b); *Dolan v. United States Postal Service*, 546 U.S. 481, 485-86 (2006). Second, even if Plaintiff could bring suit under the FTCA, that act requires the filing of an administrative claim. Failure to do so bars any lawsuit under the FTCA. 28 U.S.C. § 2675(a); *McNeil v. United States*, 508 U.S. 106, 113 (1993). For all these reasons, the Court concludes that dismissal is appropriate.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Defendants’ motion to dismiss is SUSTAINED and the complaint is DISMISSED WITH PREJUDICE.

This is a final order.

May 22, 2013

Handwritten signature of John G. Heyburn II in black ink, written over a circular seal of the United States District Court for the District of Oregon.

**John G. Heyburn II, Judge
United States District Court**

cc: Counsel of Record