

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JACOBE SHANNON

CIVIL ACTION

VERSUS

16-336-SDD-RLB

UNITED STATES OF AMERICA  
AND DAISY ROBERTS

**RULING**

This matter is before the Court on the *Motion to Dismiss Daisy Roberts*<sup>1</sup> filed by Defendant, United States of America. Although Plaintiff Jacobe Shannon (“Plaintiff”) filed an *Opposition*<sup>2</sup> out of an abundance of caution, Plaintiff has no opposition to dismissing the individual Defendant Daisy Roberts only from this case as required by the law.<sup>3</sup> The Court finds that the Defendant’s motion seeks to dismiss only Daisy Roberts from this action, not the United States.

This case is brought under the Federal Tort Claims Act (“FTCA”)<sup>4</sup> and arises out of a vehicular accident between Plaintiff and Daisy Roberts, who was driving in the course and scope of her employment with the United States Postal Service at the time of the accident. The FTCA clearly precludes actions against federal employees and makes

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<sup>1</sup> Rec. Doc. No. 13.

<sup>2</sup> Rec. Doc. No. 15.

<sup>3</sup> *Id.* at p. 1.

<sup>4</sup> 28 U.S.C. § 1346(b)(1).


Document Number: 37125

clear that the United States is the only proper defendant in such actions.<sup>5</sup>

Accordingly, the United States' *Motion to Dismiss Daisy Roberts*<sup>6</sup> is GRANTED, and Defendant Daisy Roberts is dismissed from this action without prejudice.

**IT IS SO ORDERED.**

Baton Rouge, Louisiana, this 19 day of January, 2017.

  
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SHELLY D. DICK, DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA

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<sup>5</sup> *Atorie Air v. FAA*, 942 F.2d 954, 957 (5th Cir. 1991); *Galvin v. O.S.H.A.*, 860 F.2d 181, 183 (5th Cir. 1988).

<sup>6</sup> Rec. Doc. No. 13.