

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SIDNEY KEYS, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 PATRICK R. DONAHOE, )  
 Postmaster General, )  
 )  
 Defendant. )

Case No. 4:12CV02320 ERW

**MEMORANDUM AND ORDER**

This matter comes before the Court on Defendant Patrick R. Donahoe’s (“Defendant”) Motion to Dismiss [ECF No. 3] and Plaintiff’s “Motion to Add Exhibit ‘Psychological and Physical Assault and Attempt by Gateway Middle School Against Bryce Keys and Myself[’]” (“Motion to Add Exhibit”) [ECF No. 5].

On December 14, 2012, Plaintiff Sidney Keys (“Plaintiff”) filed this employment discrimination lawsuit against Defendant. On February 13, 2013, Defendant filed his Motion to Dismiss, pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), asserting that Plaintiff’s claims are not properly before this Court, because the matters alleged in his Complaint were pled and dismissed with prejudice in prior complaints filed with this Court, and Plaintiff never appealed the dismissals. Defendant also argues that the Court does not have subject matter jurisdiction over certain claims in the Complaint, in which Plaintiff seeks workers’ compensation benefits and retirement payments allegedly due him, because jurisdiction over these claims belongs to the federal agencies that administer such claims. Additionally, Defendant contends that Plaintiff’s claims must be dismissed because Plaintiff has not exhausted his administrative remedies.


Plaintiff failed to file a response to Defendant's Motion to Dismiss. On March 12, 2013, this Court ordered Plaintiff to show cause why Defendant's Motion to Dismiss should not be granted. That response period ended on April 1, 2013, and Plaintiff has failed to respond to the Order of this Court. Instead, on May 2, 2013, Plaintiff filed a non-responsive, and irrelevant, Motion to Add Exhibit, in which he alleges public middle school officials harassed his son in retaliation for Plaintiff's filing of an action against the State of Missouri. The Court will deny Plaintiff's Motion to Add Exhibit. The Court will grant Defendant's Motion to Dismiss.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Add Exhibit [ECF No. 5] is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss [ECF No. 3] is **GRANTED**. Plaintiff's claims against Defendant in the above-styled action are **DISMISSED**, with prejudice.

Dated this 13<sup>th</sup> day of May, 2013.

  
UNITED STATES DISTRICT JUDGE