

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PATRICIA MARIE DAVIS,)
)
Plaintiff,)
)
vs.) Case No. 4:13cv2217 TCM
)
DEPARTMENT OF HEALTH AND)
HUMAN SERVICES,)
)
Defendant.)

MEMORANDUM AND ORDER

Plaintiff brings this case pursuant to the Federal Torts Claim Act ("FTCA"), 28 U.S.C. § 2671-2680. She alleges that a doctor working at a federally supported health care facility negligently prescribed her an overdose of blood pressure medication, which gave her an arrhythmia and raised her blood pressure. Plaintiff maintains that her FTCA claim was denied by the agency on March 20, 2013. She filed the instant complaint on October 30, 2013.

Under 28 U.S.C. § 2401(b), a "tort claim against the United States shall be forever barred unless . . . [a civil] action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented." "[A] plaintiff's compliance with the statute of limitations is prerequisite to the district court's jurisdiction over a suit against the United States under the FTCA. . . ."

T.L. ex rel. Ingram v. United States, 443 F.3d 956, 961 (8th Cir. 2006).

The limitations period expired on September 20, 2013. As a result, it appears that the Court lacks jurisdiction over this case. Before dismissing this suit, however, the Court will give Plaintiff an opportunity to show cause why this action should not be summarily dismissed.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for leave to proceed in forma pauperis [Doc. 2] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff shall show cause, no later than **December 10, 2013**, why this action should not be dismissed for lack of subject matter jurisdiction.

Dated this 12th day of November, 2013.

/s/ Thomas C. Mumment, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE