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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MAURICE PEARL,
Plaintiff,
v.
UNITED STATES POSTAL SERVICE,
Defendant.

2:11-cv-1404-LDG-CWH

In his §1915 screening, the magistrate judge dismissed the original complaint without prejudice and granted plaintiff leave to file an amended complaint to correct the identified deficiencies (#2). Plaintiff filed his amended complaint (#4), and the magistrate judge issued a report recommending that the amended complaint and addendum be dismissed (#9, objection #10).

The magistrate judge’s conclusions in the report and recommendation are sound. The court lacks subject matter jurisdiction and, given the United States’ retention of sovereign immunity over claims arising out of the loss, miscarriage, or negligent transmission of postal matters, and plaintiff’s failure to exhaust administrative remedies required for relief under the FTCA, plaintiff’s amended complaint fails to state a claim. Furthermore, plaintiff’s objections lack merit. Accordingly,

THE COURT HEREBY ADOPTS the report and recommendation (#9), and ORDERS that plaintiff’s amended complaint (#3) is DISMISSED.

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THE COURT FURTHER ORDERS that plaintiff's motion for summary judgment (#7) is DENIED as moot.

DATED this 7 day of March, 2013.



Lloyd D. George
United States District Judge