

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 AMIN A. ARREOLA,

9 Plaintiff,

10 v.

11 JOURDAN B. SMITH,

12 Defendant.

CASE NO. C14-5363 BHS

ORDER GRANTING
DEFENDANT'S UNOPPOSED
MOTION TO DISMISS AND TO
AMEND CAPTION

13
14 This matter comes before the Court on Defendant Jourdan B. Smith's ("Smith")
15 unopposed motion to dismiss and to amend caption (Dkt. 4).

16 On April 14, 2014, Plaintiff Amin Arreola ("Arreola") filed a complaint against
17 Smith alleging defamation that caused a relapse of Arreola's post traumatic stress
18 disorder. Dkt. 1, Exh. 2. On May 2, 2014, Smith removed the matter to this Court. Dkt.
19 1.

20 On May 9, 2014, Smith filed the instant motion requesting dismissal of Arreola's
21 claims and substitution of the United States of America for Smith because Smith was
22 acting within the scope of his employment with the federal government at all relevant

1 times. Dkt. 4. Arreola did not respond, which the Court considers an admission that the
2 motion has merit. Local Rule 7(b)(2). On June 6, 2014, Smith replied. Dkt. 7.

3 With regard to the merits of Smith's motion, the Court agrees with Smith as to
4 both amending the caption and dismissing the complaint. Arreola has failed to show that
5 he has exhausted his claims or that the defamation claim is not barred. Therefore, the
6 Court **GRANTS** Smith's motion. The Clerk shall amend the caption and close this case.

7 **IT IS SO ORDERED.**

8 Dated this 19th day of June, 2014.

9
10 

11

BENJAMIN H. SETTLE
United States District Judge