

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**J. TROY MAZZION,**

**Plaintiff,**

**v.**

**UNITED STATES OF AMERICA,**

**Defendant.**

**Civil Action 06-0718 (HHK)**

**MEMORANDUM OPINION**

Plaintiff alleges that the Veterans Administration “defrauded” him of disability benefits upon his release from incarceration by either delaying or denying benefits. Compl. at 1. Defendant moves to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction. It is established that the district court lacks jurisdiction over matters, such as presented here, involving veterans benefits that require “the district court to determine first whether the VA acted properly in handling” a request for benefits. *Thomas v. Principi*, 394 F.3d 970, 974 (D.C. Cir. 2005) (citation and internal quotation marks omitted). “The exclusive avenue for redress of veterans’ benefits determinations is appeal to the Court of Veterans Appeals [renamed Court of Appeals for Veterans Claims] and from there to the United States Court of Appeals for the Federal Circuit.” *Price v. U.S.*, 228 F.3d 420, 421 (D.C. Cir. 2000) (citing 38 U.S.C. §§ 511, 7252, 7292) (other citations omitted). Accordingly, defendant’s motion to dismiss is granted. A separate Order accompanies this Memorandum Opinion.

\_\_\_\_s/s\_\_\_\_\_  
Henry H. Kennedy, Jr.  
United States District Judge

November 30, 2006

