

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

NOV 15 2007

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Kevin M. Jones,

Plaintiff,

v.

United States of America,

Defendant.

Civil Action No. **07 2066**

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint dismissed for lack of subject matter jurisdiction.

Plaintiff is a resident of Washington, D.C., suing the United States for \$130 million in damages. He also seeks a declaration "that classifies [him] the inherent status, 'American'." Compl. at 3. Plaintiff's damages claim is properly brought under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671 *et seq.* An FTCA claim is maintainable only after the plaintiff has exhausted his administrative remedies by "first present[ing] the claim to the appropriate Federal agency. . . ." 28 U.S.C. § 2675. This exhaustion requirement is jurisdictional. *See GAF Corp. v. United States*, 818 F.2d 901, 917-20 (D.C. Cir. 1987); *Jackson v. United States*, 730 F.2d 808, 809 (D.C. Cir. 1984); *Stokes v. U.S. Postal Service*, 937 F. Supp. 11, 14 (D.D.C. 1996).

The Court lacks jurisdiction to consider plaintiff's damages claim because he has not indicated that he exhausted his administrative remedies. *See Abdurrahman v. Engstrom*, 168 Fed.Appx. 445, 445 (D.C. Cir. 2005) (per curiam) ("[T]he district court properly dismissed case [based on unexhausted FTCA claim] for lack of subject matter jurisdiction."). Lacking subject

matter jurisdiction, the Court may not entertain plaintiff's claim for declaratory relief. *See* 28 U.S.C. § 2201 (authorizing the court to declare rights and other legal relations "[i]n a case of actual controversy within its jurisdiction"). Accordingly, the complaint will be dismissed by separate Order issued contemporaneously.



United States District Judge

Date: November 5, 2007