

FILED

DEC 11 2008

Clerk, U.S. District and
Bankruptcy Courts

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

METOFF DEVAUGHN ATTMORE

Plaintiff,

v.

AGENCY FOR INTERNATIONAL
DEVELOPMENT,

Defendant.

Civil Action No.

08 2155

MEMORANDUM OPINION

This matter is before the Court on consideration of plaintiff's application to proceed *in forma pauperis* and *pro se* complaint. The Court will grant the application, and dismiss the complaint.

Plaintiff brings this action against the Agency for International Development under the Federal Tort Claims Act ("FTCA") "for: Personal Injury, Negligence, Deceit (Misrepresentation), Concealment, Fraud, Intentional Infliction of Physical and Emotional Distress[,] etc." Compl. at 2. The FTCA provides that the "United States shall be liable [for tort claims] in the same manner and to the same extent as a private individual under like circumstances." 28 U.S.C. § 2674(a). The Act requires that a claimant present his claim to the appropriate federal agency prior to filing a civil action in a federal district court. *McNeil v. United States*, 508 U.S. 106, 113 (1993); 28 U.S.C. § 2675(a) (requiring claimant to present claim "for money damages for injury or loss of property . . . caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment . . . to the appropriate Federal agency" from which written notice of the denial of the

claim has been forwarded to the claimant before suit may be filed). Because plaintiff fails to allege the exhaustion of her administrative remedies by having presented his claim first to the appropriate agency as required by the Federal Tort Claims Act, this Court lacks jurisdiction to entertain his case.

An Order consistent with this Memorandum Opinion is issued separately on this same date.



United States District Judge

DATE: 10/28/08