

FILED

JUN 15 2010

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

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

Kedist Girma (a/k/a Kedist Hirpassa),

Plaintiff,

v.

United States Postal Service,

Defendant.

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Civil Action No.:

10 0999

MEMORANDUM OPINION

The plaintiff has filed an application to proceed without prepayment of fees and a pro se complaint. The application will be granted and the complaint will be dismissed. *See* 28 U.S.C. § 1915(e)(2)(B)(ii) (requiring dismissal of a complaint whenever it is determined that it fails to state a claim upon which relief may be granted).

In this brief complaint, the plaintiff states that she has not been receiving mail she expects, and believes that “someone within the postal service is committing a federal crime by illegally taking my mail.” Compl. at 1 (spelling altered). The complaint does not identify the relief sought.


If the plaintiff is seeking to initiate a prosecution, she seeks relief that cannot be granted. Only a federal prosecutor, not a civilian complainant, can bring a federal prosecution for federal crimes. If, alternatively, the plaintiff is seeking damages, such relief is also not available. As an entity of the United States government, the United States Postal Service may not be sued except to the extent that Congress has expressly waived the United States’s sovereign immunity from suit. *Lane v. Pena*, 518 U.S. 187, 192 (1996). Although the Federal Tort Claims Act (“FTCA”),

28 U.S.C. §§ 1346(b), 2671-80, expressly waives the United States's sovereign immunity from suit for conspiracy and fraud in some circumstances, the FTCA expressly exempts "[a]ny claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter." *Id.* § 2680(b).

Because the complaint does not state a claim upon which relief may be granted, it will be dismissed. A separate order accompanies this memorandum opinion.

Date:

5/26/10


United States District Judge