## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

F	I	L	E	D
		_		

aug 11	0 2010	Ì
--------	--------	---

Antonio Colbert,	)	Clerk, U.S. District & Bankruptcy Courts for the District of Columbia
Plaintiff,	)	
v.	) Civil Action	No. 10 1345
U.S. Marshal's Office,	)	
Defendant.	)	

## MEMORANDUM OPINION

This matter is before the Court on its initial 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. *See* Fed. R. Civ. P. 12(h)(3) (requiring dismissal of an action "at any time" the Court determines that it lacks subject matter jurisdiction).

Plaintiff is a District of Columbia resident suing the United States Marshals Service for alleged misconduct by the "security guards" at this courthouse. Compl. at 2. He alleges that the "security staff has become abusive and argumentative towards me!" *Id.* Plaintiff seeks \$50,000 in monetary damages.

A claim for monetary damages against the United States, including its agency components, is cognizable under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671 et seq. Such a claim is maintainable, however, 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). Plaintiff has not

indicated that he exhausted his administrative remedies. The complaint therefore will be dismissed. *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."). A separate Order accompanies this Memorandum Opinion.

United States District Judge