

**FILED**

**SEP 16 2010**

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

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Clyde Lacy Rattler,

Plaintiff,

v.

U.S. Department of Labor  
Office of Worker Comp. Programs,

Defendant.

Civil Action No.

**10 1562**

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* "Complaint for Damages negligence" and application to proceed *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint upon a determination that it fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915(e)(2)(B)(i).

Plaintiff is a District of Columbia resident suing to compel the Department of Labor ("DOL") to process his application for benefits under the Federal Employees Compensation Act that he submitted on May 15, 2010. But he has provided DOL's response dated May 20, 2010, informing him that "the form must be completed and submitted by your employing agency even if you have retired from Federal service." Compl. Attachment. Because the agency is not required to process a non-conforming application, the complaint states neither a claim of negligence nor a basis for mandamus relief authorized by 28 U.S.C. § 1361. A separate Order of dismissal accompanies this Memorandum Opinion.

  
United States District Judge

Date: September 15, 2010