

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

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Clerk, U.S. District and
Bankruptcy Courts

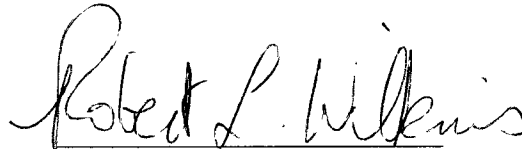
Terry Williams,)
)
Plaintiff,)
)
v.)
)
Office of Personnel Management *et al.*,)
)
Defendants.)

13-1584

MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant plaintiff's *in forma pauperis* application and will dismiss the case for lack of subject matter jurisdiction. See Fed. R. Civ. P. 12(h)(3) (requiring dismissal "at any time" jurisdiction is found wanting).

Plaintiff, a resident of Norfolk, Virginia, sues the Office of Personnel Management ("OPM") and the Merit Systems Protection Board ("MSPB"). She seeks judicial review of a final order of the MSPB, affirming OPM's denial of survivor annuity benefits. Compl. at 1. The Civil Service Retirement Act, 5 U.S.C. §§ 8331 *et seq.*, provides the exclusive remedy for adjudicating plaintiff's claim. *Fornaro v. James*, 416 F.3d 63, 66 (D.C. Cir. 2005). "That regime provides for adjudication of all claims by OPM, 5 U.S.C. § 8347(b), appeal of adverse decisions by OPM to the MSPB, *id.* § 8347(d)(1), and subsequent review of MSPB decisions in the Federal Circuit, *id.* § 7703(b)(1); 28 U.S.C. § 1295(a)(9)." *Id.* A separate Order of dismissal accompanies this Memorandum Opinion.


United States District Judge

DATE: September 26th, 2013