

**FILED**

**DEC - 2 2013**

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

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Antoin Washington, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 United States Postal Service, )  
 )  
 Defendant. )

Civil Action No. **13-1895**

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 Court will grant the application and will dismiss the case for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring dismissal of a case “at any time” subject matter jurisdiction is found wanting).

Plaintiff, a District of Columbia resident, sues the United States Postal Service because he allegedly did not receive his MP3 musical device that was serviced and “mailed back” to him on August 5, 2013. Compl. at 2. Plaintiff alleges that “somewhere in between the [Postal Service] and my residence, the device got misplaced or loss [sic], because I never received it.” *Id.* He seeks a total of \$2170.70 in damages. *Id.*

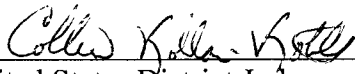
Under the doctrine of sovereign immunity, the United States may not be sued without its consent, and “the existence of consent is a prerequisite for jurisdiction.” *United States v. Mitchell*, 463 U.S. 206, 212 (1983). The United States has consented to be sued for monetary damages under certain circumstances set out in the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346, 2671-80, but the FTCA specifically precludes a suit predicated on “[a]ny claim arising

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out of loss, miscarriage, or negligent transmission of letters or postal matter." 28 U.S.C.

§ 2680(b). A separate Order of dismissal accompanies this Memorandum Opinion.

  
United States District Judge

Date: November 26<sup>th</sup>, 2013