

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
FEB 25 2014
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

DAVONTA MELVIN ROWLAND,

Plaintiff,

v.

NATIONAL GALLERY OF ART,

Defendant.

Civil Action No. *14-303*

MEMORANDUM OPINION

The plaintiff has filed two previous actions against the National Gallery of Art pertaining to her detention and removal from the gallery on April 10, 2012.¹ The Court dismissed both cases, and it is required to dismiss the instant case, because the plaintiff has not exhausted her administrative remedies under the Federal Tort Claims Act (“FTCA”), *see* 28 U.S.C. §§ 2674-80. Where, as here, the plaintiff has brought “a tort suit for damages against the United States . . . the only possible basis for subject matter jurisdiction [is] the Federal Tort Claims Act (FTCA)” *Jackson v. United States*, 857 F. Supp. 2d 158, 161 (D.D.C. 2002) (citations omitted) (brackets in original). And the plaintiff’s failure to demonstrate that she has exhausted her administrative remedies prior to filing this case deprives the Court of subject matter jurisdiction. *See Ali v. Rumsfeld*, 649 F.3d 762, 775 (D.C. Cir. 2011).

¹ *See Rowland v. Nat’l Gallery of Art*, No. 13-1402 (D.D.C. dismissed Dec. 2, 2013); *Rowland v. Nat’l Gallery of Art*, No. 12-1430 (D.D.C. dismissed June 18, 2013);

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The Court will grant the plaintiff's application to proceed *in forma pauperis* and will dismiss the complaint in its entirety. An Order consistent with this Memorandum Opinion is issued separately.

DATE:

2/10/14



United States District Judge