

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JERRY BENSON,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

Case No. 14-cv-01458 (CRC)

MEMORANDUM OPINION

Plaintiff Jerry Benson has brought this action against the Federal Bureau of Prisons (“BOP”), alleging that he “was lock[ed] up 20 Days past [his] Release Date” and demanding damages of \$30,000. Compl. On October 9, 2014, BOP filed a motion to dismiss, arguing that Benson’s claim for damages against a federal agency must be brought under the Federal Tort Claims Act (“FTCA”) and that this Court lacks subject matter jurisdiction over the claim because Benson failed to exhaust his administrative remedies before filing his complaint. Mem. of P. & A. in Support of Def.’s Mot. to Dismiss at 4–6. In the alternative, BOP argued that Benson’s one-sentence complaint failed to state a claim upon which relief can be granted. *Id.* at 6.

On November 17, 2014, the Court issued an Order advising Benson of his obligations under the Federal Rules of Civil Procedure and the local rules of this Court to respond to the motion. Specifically, the Court warned Benson that if he failed to file an opposition to the motion by December 15, 2014, the motion would be treated as conceded. To date, Benson has neither filed an opposition to the motion nor requested an extension of time. Mail sent to the address provided by Benson at the time he filed his complaint has not been returned by the United States Postal Service as undeliverable, and Benson has not advised the Court of a change of address.

The Court, therefore, will grant BOP's motion as conceded and dismiss this case. See, e.g., Poblete v. Goldberg, 680 F. Supp. 2d 18, 19 (D.D.C. 2009) ("A district court may grant a motion to dismiss as conceded based on the absence of a response.") (citing Fox v. Am. Airlines, Inc., 389 F.3d 1291, 1295 (D.C. Cir. 2004)); Bell v. Library of Congress, 539 F. Supp. 2d 411, 413 (D.D.C. 2008) (concluding that FTCA bars claimant from bringing suit until after she has exhausted administrative remedies, and, alternatively, noting that dismissal was warranted where "the non-moving party fails to file a memorandum of points and authorities in opposition within a prescribed time period"). An Order will be issued separately.

/s/
CHRISTOPHER R. COOPER
United States District Judge

Date: December 24, 2014