

DEC 17 2015

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

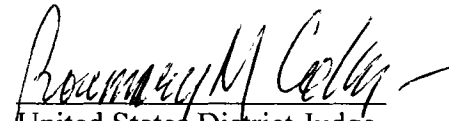
told that a “guy came back to get something” and that “[t]hey asked him to bring back the bag pack he took from them . . . .” *Id.* at 3.

Plaintiff faults the Post Office for failing to ask the “guy” for a picture identification and for “not even calling a police.” *Id.* Plaintiff claims that “[t]his particular post office is not doing anything to meet the requirements and protect[ ] their customers.” Plaintiff claims that the bag contained “paper work, [a] new computer, [and] personal item[s].” *Id.* Plaintiff seeks \$5,000 in money damages.

Under the doctrine of sovereign immunity, the United States is subject to suit only upon consent, which must be clear and unequivocal. *United States v. Mitchell*, 445 U.S. 535, 538 (1980) (citation omitted); *see Lane v. Pena*, 518 U.S. 187, 192 (1996) (noting that the United States may be sued only upon consent “unequivocally expressed in statutory text”). The Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346, 2671-80, provides a limited waiver of sovereign immunity for money damages “under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.” *Id.*, § 1346(b)(1). Before a court is able to entertain an FTCA claim, the plaintiff must have exhausted administrative remedies by “first present[ing] the claim to the appropriate Federal agency[.]” 28 U.S.C. § 2675. This exhaustion requirement is jurisdictional. *See Abdurrahman v. Engstrom*, 168 Fed.Appx. 445, 445 (D.C. Cir. 2005) (per curiam) (affirming the district court’s dismissal of unexhausted FTCA claim “for lack of subject matter jurisdiction”); *accord Simpkins v. District of Columbia Gov’t*, 108 F.3d 366, 371 (D.C. Cir. 2007).

To the extent that plaintiff has a plausible claim under the FTCA, there is no indication in the complaint that the exhaustion requirement has been met. Hence, this case will be dismissed without prejudice. A separate Order accompanies this Memorandum Opinion.

Date: December 16<sup>th</sup>, 2015

  
United States District Judge