

FILED

OCT 31 2016

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Otto Peter Joy,)
)
 Plaintiff,)
)
 v.)
)
 United States Postal Service,)
)
 Defendant.)

Case: 1:16-cv-02169
Assigned To : Unassigned
Assign. Date : 10/31/2016
Description: Pro Se Gen. Civil

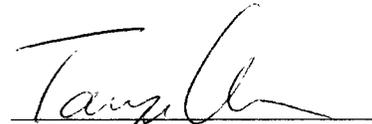
MEMORANDUM OPINION

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 plaintiff’s application and dismiss the complaint for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action “at any time” it determines that subject matter jurisdiction is wanting).

Plaintiff is a District of Columbia resident. He sues the United States Postal Service for allegedly failing to deliver his mail altogether or in a timely manner. The complaint is difficult to follow but plaintiff seems to claim that as a result of the alleged mail delivery problems, he sustained injuries that included the doubling of fines he had been assessed for traffic violations. Plaintiff seeks \$1 million in money damages.

Under the doctrine of sovereign immunity, the federal government 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). Congress has not waived the United States’ immunity for “[a]ny claim [for money damages] arising out of the loss, miscarriage, or negligent transmission of letters or

postal matter.” 28 U.S.C. § 2680(b). Hence, this case will be dismissed with prejudice. A separate Order accompanies this Memorandum Opinion.


United States District Judge

DATE: October 28, 2016