

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSEPH MILLER,)		
)		
)		
Plaintiff,)		
)	Case: 1:17-cv-00724	(F-Deck)
v.)	Assigned To : Unassigned	
)	Assign. Date : 4/19/2017	
FEDERAL BUREAU OF INVESTIGATION,)	Description: Pro Se Gen. Civil	Jury Demand
)		
Defendant.)		

MEMORANDUM OPINION

The plaintiff, who currently is detained at St. Elizabeth’s Hospital, purports to bring a civil rights action under 42 U.S.C. § 1983 against the Federal Bureau of Investigation because it “fraudulently publicized a firearm case in [his] criminal record.” Compl. at 1. He demands damages of \$150 million and “a copy of his criminal history from age 18 years old.” *Id.* Insofar as the plaintiff demands money damages from the federal government, the Court construes the claim as one that ordinarily would proceed under the Federal Tort Claims Act (“FTCA”). *See* 28 U.S.C. §§ 1346, 2671-80. Offenses such as misrepresentation, fraud and defamation are excluded from the FTCA’s coverage, however, *see* 28 U.S.C. § 2680(h), and the plaintiff’s claim must be dismissed, *see, e.g., Coulibaly v. Kerry*, No. CV 14-0189, 2016 WL 5674821, at *19 (D.D.C. Sept. 30, 2016) (dismissing plaintiff’s “contract-related, defamation, character assassination, and misrepresentation claims . . . to the extent that they seek relief under the FTCA, because they are barred by statute”); *Maxberry v. Dep’t of the Army, Bd. of Correction of Military Records*, 952 F. Supp. 2d 48, 52 (D.D.C. 2013) (finding that the FTCA “exempts fraud

and misrepresentation from the general waiver of sovereign immunity,” and dismissing claims for lack of subject matter jurisdiction).

Defamation claims may proceed under the Due Process Clause, but only where other “more tangible interests such as employment” are at stake. *Paul v. Davis*, 424 U.S. 693, 701 (1971). Here, the plaintiff has not alleged that to be the case.

The Court will grant the plaintiff’s application to proceed *in forma pauperis* and dismiss the complaint. An Order accompanies this Memorandum Opinion.

DATE:

4/14/17


United States District Judge