UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JIMMIE MCNAIR,	
Plaintiff,	
v.) Civil Action No. 19-cv-885 (TSC)
U.S. BUREAU OF PRISONS et al.,)
Defendants.)))

MEMORANDUM OPINION

Pending is the United States Bureau of Prisons' Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(3) for improper venue, ECF No. 9. Plaintiff, appearing *pro se*, has not opposed the motion by the court-imposed deadline of September 23, 2019, *see* Order, ECF No. 10, nor has he requested more time to do so. For the following reasons, the Court will grant defendants' motion and dismiss the case.

Plaintiff is a former federal prisoner residing in Bowie, Maryland. He has sued the Bureau of Prisons and a dentist who allegedly treated him at the Federal Correctional Institution in Fairton, New Jersey. Plaintiff seeks monetary damages for "emotional distress, pain [and] suffering, . . . misrepresentations and lack of adequate medical attention." Compl. at 1. The complaint does not include a jurisdictional statement, but defendants have reasonably considered it as arising under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 2671-80. See Mem. of Points and

Authorities at 1-2; Compl. Attachment (final agency decision denying Administrative

Claim for personal injury).

The FTCA's venue provision requires that a claim be brought "only in the

judicial district where the plaintiff resides or wherein the act or omission complained of

occurred." 28 U.S.C. § 1402(b). By his silence, plaintiff has conceded that (1) he

"resides in Maryland," and (2) "[t]he events giving rise to this litigation occurred in

New Jersey." Defs.' Mem. at 3. Therefore, the Court agrees that this venue is

improper, and dismissal is appropriate. A separate order accompanies this

Memorandum Opinion.

Date: October 23, 2019

Tanya S. Chutkan

TANYA S. CHUTKAN

United States District Judge

2