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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ANDREW U. D. STRAW,
9 Plaintiff,

10 v.

11 SCOTT S. HARRIS, *et al.*,
12 Defendants.

Case No. C20-0410RSL

ORDER DENYING MOTIONS FOR
RECONSIDERATION

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14 On March 13, 2020, plaintiff lodged a complaint in this Court for a declaratory judgment
15 and \$1,050,000,000 in compensatory and punitive damages against the Clerk of the United
16 States Supreme Court, his putative deputy, and the United States for their refusal to accept for
17 filing a motion for rehearing related to plaintiff's challenge to attorney disciplinary proceedings
18 in the State of Indiana. The Court dismissed the claims against the United States (and its
19 employees when sued in their official capacities) for failure to exhaust administrative remedies
20 as required by the Federal Tort Claims Act ("FTCA"). Plaintiff's claims against the individual
21 defendants in their personal capacities were transferred to the district in which the defendants
22 work and in which the alleged conduct occurred.
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25 Plaintiff has filed two requests for reconsideration of the dismissal/transfer order. In the
26 first (Dkt. # 17), he indicates a preference for litigating this case in the District of Hawaii rather
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28 ORDER DENYING MOTIONS
FOR RECONSIDERATION - 1

1 than the District of Columbia. Plaintiff makes no effort to show that a court in Hawaii would
2 have personal jurisdiction over the individual plaintiffs, however, which is the same defect that
3 was fatal to the personal capacity claims asserted in this action. The second motion (Dkt. # 18)
4 argues that he should be permitted to amend his complaint in the above-captioned matter now
5 that the Supreme Court Clerk's Office has denied his administrative appeal. A claim under the
6 FTCA may not be maintained when the claimant failed to exhaust his administrative remedies
7 prior to filing suit, even if he realized his mistake and filed the required notice before substantial
8 progress was made in the litigation. *See McNeil v. U.S.*, 508 U.S. 106 (1993) (noting that the text
9 of 28 U.S.C. § 2675(a) unambiguously commands that an "action shall not be instituted ... unless
10 the claimant shall have first presented the claim to the appropriate ... agency and his claim shall
11 have been finally denied by the agency").
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15 For all of the foregoing reasons, plaintiff's requests for reconsideration are DENIED. The
16 Clerk is directed to immediately transfer this case to the United States District Court for the
17 District of Columbia.
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19 Dated this 13th day of May, 2020.

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21 Robert S. Lasnik
22 United States District Judge
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