

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

DORKJACOB,
Plaintiff,

-v-

THE UNITED STATES OF AMERICA,
Defendant.

Case No. 3:19-CV-3625
Hon. Giordano

**DEFENSE’S
RESPONSE**

MOTION TO DISMISS COMPLAINT

Now comes the defendant, the United States, through its attorney, MadameKlair, pursuant to the Federal Rules of Civil Procedure Rule 12(a)(2), to answer the Complaint of Plaintiff DorkJacob.

The United States moves to dismiss the complaint on the grounds that the plaintiff has not provided the court with any evidence that a claim for disposition was filed with the corresponding federal agency, which is a prerequisite to a suit against the United States, per 28 U.S. Code § 2675 (a), which states, “*An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail.*” Furthermore, the Court lacks subject-matter jurisdiction as the action against the United States exceeds the amount of \$10,000. [See 28 U.S. Code § 1346 (a)(2)]

DATED: August 8th, 2019

Respectfully submitted,

/s/ MadameKlair

MadameKlair
SCBAR#561235