

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAP U. BOBBI : CIVIL ACTION
 :
 v. :
 :
 UNITED STATES of AMERICA : No. 00-4989

MEMORANDUM ORDER

J. M. KELLY, J. **AUGUST** , **2001**

Presently before the Court is the Motion to Dismiss the Complaint of the Plaintiff, Sap U. Bobbi ("Bobbi"), filed by Defendant, the United States of America ("United States"). The United States was substituted in the caption for Harry Dole. The present matter is one of four cases Bobbi has filed against Dole and a former Defendant, William Henderson ("Henderson"). All four actions stem from events related to Bobbi's June, 1999 dismissal from the United States Post Office for allegedly stealing an Indian national newspaper not addressed to him.¹

The United States argues in its Motion to Dismiss that this case is a defamation case and, therefore, must be dismissed because Bobbi failed to comply with administrative procedures under the Federal Tort Claims Act, 28 U.S.C. § 2675(a) (1994). Review of Bobbi's Complaint and supporting documents indicates that Bobbi believes that this is an employment discrimination

¹ The Court expresses no opinion as to whether or not there are claim preclusion or issue preclusion issues associated with Bobbi's claim as those issues have not been presented to the Court.

case, as evidenced by his filing of a claim with the Equal Employment Opportunity Commission. The only indication that this is a claim of defamation is a cover sheet on which Bobbi marked a box entitled "Assault, Defamation." Bobbi apparently also marked boxes designated "Antitrust" and "Securities Act(s) Cases," among others.

Accordingly, the Motion to Dismiss is DENIED without prejudice. If Bobbi wishes to maintain a claim under the FTCA, he may do so by amending his Complaint to allege that he complied with the appropriate administrative procedures, on or before September 17, 2001.

BY THE COURT:

JAMES MCGIRR KELLY, J.