



jeopardized if his complaint became known at the institution, the inmate can bypass the housing institution and file the complaint with the appropriate Regional Director. See 28 C.F.R. § 542.14(d). The Regional Director then determines whether the complaint is "sensitive" and either processes the complaint or informs the inmate that, in his or her judgment, the complaint does not involve a "sensitive" issue and the complaint should be filed with the warden at the institution where the inmate is housed.

Clearly, this decision by the Regional Director is the type of administrative action that is committed to agency discretion and thus not subject to judicial review. This court does not have jurisdiction to review the decision of a Regional Director to treat or not treat a complaint as "sensitive". Even if this court could second guess the Director's decision, the complaint is clearly not "sensitive" since the undisputed evidence shows plaintiff was housed at FCI Schuylkill and his complaint questioned the actions of the staff at FCI Ray Brook.

Plaintiff also is upset with the handling of a tort claim he filed in January of 1995. Since the amended complaint does not give any factual basis for the tort claim, the claim must be dismissed. As a precautionary matter, if the tort claim is construed as concerned the Regional Director's decision concerning the "sensitive" complaint, once again this court does not have jurisdiction over such a claim. An order follows.

