

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13-5040

September Term, 2012

1:13-cv-00100-UNA

Filed On: June 24, 2013

Michael A. Leon,

Appellant

v.

Ogletree, Deakins, Nash, Smoak & Stewart
P.C. and United States of America,

Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BEFORE: Tatel, Brown, and Griffith, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief, appendices, and motion to expedite filed by the appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order filed January 24, 2013, be affirmed. Appellant did not meet his burden of demonstrating that the district court had subject matter jurisdiction over his claims against the non-federal appellee. See *Georgiades v. Martin-Trigona*, 729 F.2d 831, 833 n.4 (D.C. Cir. 1984). The district court also properly dismissed appellant's claims under the Federal Tort Claims Act for failure to exhaust. See *McNeil v. United States*, 508 U.S. 106, 113 (1993); 28 U.S.C. § 2675. It is

FURTHER ORDERED that the motion to expedite be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam