

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5037

September Term, 2019

1:18-cv-02678-UNA

Filed On: January 23, 2020

Thomas K. Jenkins,

Appellant

v.

United States District Court, Greenbelt, MD
and Butner Federal Medical Center,

Appellees

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

BEFORE: Srinivasan and Katsas, Circuit Judges, and Sentelle, Senior Circuit
Judge

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 filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, and the motion for injunction and the supplements thereto, it is

ORDERED that the motion for injunction be denied. Appellant seeks an injunction ordering his release from custody. But appellant may challenge the lawfulness of his custody only by seeking habeas relief in the appropriate forum. See Chatman-Bey v. Thornburgh, 864 F.2d 804, 809 (D.C. Cir. 1988) (“[P]risoners mounting a challenge to the lawfulness of their custody are to proceed by means of habeas.”). It is

FURTHER ORDERED AND ADJUDGED that the district court’s order filed January 30, 2019, be affirmed. Appellant has not shown that the district court erred in dismissing his claims under the Federal Tort Claims Act (“FTCA”) against the United States District Court in Greenbelt, Maryland as barred by judicial immunity. See Sindram v. Suda, 986 F.2d 1459, 1460 (D.C. Cir. 1993) (per curiam). Likewise, appellant has offered no grounds to challenge the district court’s dismissal of his claims against the Federal Medical Center in Butner, North Carolina, based on sovereign immunity and his failure to exhaust administrative remedies. See Fed. Deposit Ins.

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Corp. v. Meyer, 510 U.S. 471, 478 (1994) (“[T]he United States . . . has not rendered itself liable under [the FTCA] for constitutional tort claims.”); McNeil v. United States, 508 U.S. 106, 113 (1993) (“The FTCA bars claimants from bringing suit in federal court until they have exhausted their administrative remedies.”).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk