

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MICHAEL K. BATTLE,
Plaintiff,

vs.

Case No. 03-3496-JTM

UNITED STATES OF AMERICA,
Defendant.

MEMORANDUM AND ORDER

Plaintiff Michael Battle, an inmate of the United States Penitentiary in Leavenworth, Kansas, has brought the present action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § § 1346(b) *et seq.*, alleging the negligent loss of personal property while he was in administrative detention. This matter is before the court on the Motion to Dismiss of the United States. The government argues in its motion that Battle's claim is barred by an exception to the FTCA's general waiver of immunity, 28 U.S.C. § 2680(c), which applies to property detained by a law enforcement officer. The government's motion was filed October 4, 2004. The plaintiff has filed no response.

Both for good cause shown and pursuant to D.Kan.Rule 7.4, the court finds that defendant's Motion to Dismiss for Lack of Jurisdiction (Dkt. No. 13) is hereby granted.

IT IS SO ORDERED this 7th day of February, 2005.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE