

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

JUL 21 2003

PATRICK FISHER
Clerk

JAMES W. GREEN,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA,

Defendant-Appellee.

No. 02-7112
(D.C. No. 02-CV-17-P)
(E.D. Okla.)

ORDER AND JUDGMENT *

Before **KELLY**, **ANDERSON**, and **O'BRIEN**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

James W. Green appeals from the district court's grant of summary judgment to the government on claims filed pursuant to the Federal Torts Claim Act (FTCA). The district court concluded that appellant had not complied with the FTCA's administrative claim requirements and dismissed the case with prejudice. We have jurisdiction over the appeal by virtue of 28 U.S.C. § 1291; our review of the district court's decision is de novo. *Simms v. Okla. ex rel. Dep't of Mental Health & Substance Abuse Servs.*, 165 F.3d 1321, 1326 (10th Cir. 1999).

Appellant's argument on appeal is that the administrative claim requirements of the FTCA do not apply to his case because his suit is against the judicial branch as a whole and not against any individual. This argument lacks merit because the statute expressly makes all tort suits against the government subject to those provisions. 28 U.S.C. § 2401(b). The judgment of the United States District Court for the Eastern District of Oklahoma is AFFIRMED. Appellant's motion to file a supplement to his appellate brief is granted.

Entered for the Court

Terrence L. O'Brien
Circuit Judge