

APR 28 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT CURTIS,

Plaintiff - Appellant,

v.

TREASURY DEPARTMENT, a
corporation; et al.,

Defendants - Appellees.

No. 07-17017

D.C. No. CV-05-04964-MJJ

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Martin J. Jenkins, District Judge, Presiding

Submitted April 13, 2009**

Before: GRABER, GOULD, and BEA, Circuit Judges.

Robert Curtis appeals pro se from the district court's judgment dismissing his Federal Tort Claims Act ("FTCA") action alleging fraud and numerous other

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument, and denies appellant's motion for oral argument. *See* Fed. R. App. P. 34(a)(2).

claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo dismissal for lack of subject-matter jurisdiction, *Alvarado v. Table Mt. Rancheria*, 509 F.3d 1008, 1015 (9th Cir. 2007), and we affirm.

The district court properly dismissed Curtis's FTCA action because, as Curtis concedes in his opening brief, he failed to exhaust his administrative remedies. *See id.* at 1018-19 (explaining that the timely filing of an administrative claim is a jurisdictional prerequisite to a suit under the FTCA).

Curtis's remaining contentions are unpersuasive.

We deny Curtis's February 17, 2009, Motion to Stay Pending Disposition of Motion.

AFFIRMED.