

Circuit Court for Harford County
Case No. 12-C-18-000889

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 360

September Term, 2018

IN THE MATTER OF ALYSIA CARTER

Berger,
Arthur,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 20, 2019

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Alysia Carter, appellant, filed a complaint, in the Circuit Court for Harford County, asserting claims against the United States pursuant to the Federal Tort Claims Act.¹ On April 4, 2018, the circuit court, acting sua sponte, dismissed the action for “fail[ure] to state a cause of action for which relief by this [c]ourt may be granted.” In this appeal, Ms. Carter contends that the circuit court erred in dismissing her complaint. We shall affirm.

“[S]ubject matter jurisdiction is the power to hear and determine a case.” *Bourne v. Center on Children, Inc.*, 154 Md. App. 42, 52 (2003). “The issue of subject matter jurisdiction need not be raised by a party, but may be raised by a court, sua sponte, at any time.” *Lewis v. Murshid*, 147 Md. App. 199, 202-03 (2002). Dismissal is proper if the facts and allegations of the complaint establish a lack of subject matter jurisdiction. *Id.* at 203.

The circuit courts of Maryland have “jurisdiction in all civil and criminal cases within its county, . . . except where by law jurisdiction has been limited or conferred exclusively upon another tribunal.” Md. Code (1974, 2013 Repl. Vol.), Courts and Judicial Proceedings Article, § 1-501. Pursuant to 28 U.S.C. § 1346(b)(1), exclusive

¹ The Federal Tort Claims Act “permits the United States to be held liable in tort by providing a limited waiver of sovereign immunity for injury or loss caused by the negligent or wrongful act of a Government employee acting within the scope of his or her employment.” *Pornomo v. U.S.*, 814 F.3d 681, 687 (4th Cir. 2016) (citing 28 U.S.C. §§ 1346(b), 2671-2680 (additional citation and internal quotation marks omitted)).

jurisdiction over causes of action arising under the Federal Tort Claims Act is vested in the federal district courts.²

Accordingly, because the circuit court had no jurisdiction to adjudicate the claims presented in Ms. Carter’s complaint, it did not err in dismissing the complaint. *See also Houston v. United States Postal Service*, 823 F.2d 896, 903 (5th Cir, 1987) (“state courts have no jurisdiction to hear . . . tort claims against the United States.”), *cert. denied*, 485 U.S. 1006 (1988).

**JUDGMENT OF THE CIRCUIT COURT
FOR HARFORD COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**

² 28 U.S.C. § 1346(b)(1) provides, in pertinent part, as follows:

. . . the district courts, . . . shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, . . . for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his [or her] office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.