

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-7132

TOYE A. TUTIS,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at
Wheeling. John Preston Bailey, District Judge. (5:22-cv-00211-JPB-JPM)

Submitted: February 13, 2023

Decided: February 28, 2023

Before NIEMEYER, KING, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Toye A. Tutis, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Toye A. Tutis appeals the district court's order dismissing for lack of subject matter jurisdiction his civil action seeking relief under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-80. We have reviewed the record and find no reversible error. Accordingly, we affirm substantially for the reasons stated by the district court. *Tutis v. United States*, No. 5:22-cv-00211-JPB-JPM (N.D.W. Va. Sept. 8, 2022); *see also Clendenning v. United States*, 19 F.4th 421, 432, 434-36 (4th Cir. 2021) (discussing discretionary function exception), *cert. denied*, 143 S. Ct. 11 (2022). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED