

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-7310

FARID FATA,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Mary G. Lewis, District Judge. (2:22-cv-04399-MGL)

Submitted: April 15, 2024

Decided: April 23, 2024

Before AGEE, THACKER, and HEYTENS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Farid Fata, Appellant Pro Se. Christie Valerie Newman, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Farid Fata appeals the district court's order accepting the recommendation of the magistrate judge and dismissing Fata's complaint filed under the Federal Torts Claim Act (FTCA), 28 U.S.C. §§ 1346, 2671-2680. The district court dismissed Fata's medical claims for failure to exhaust and applied the FTCA's discretionary function exception to Fata's COVID-19 claims. We have reviewed the record and conclude that Fata failed to exhaust his medical claims, as he did not provide sufficient notice of the specific claims in his Bureau of Prisons grievances prior to filing his federal complaint. Additionally, our review leads us to conclude that Fata's remaining claims fall under the discretionary function exception because the cited authority involved discretion by prison personnel, as well as an element of policy judgment. Accordingly, we affirm the district court's judgment. *Fata v. United States*, No. 2:22-cv-04399-MGL (D.S.C. Dec. 6, 2023). We also deny as moot Fata's motion to expedite. 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