

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Moore v. United States

Civil Action No. JRR-23-2038 (D. Md. Dec. 17, 2025) · No. JRR-23-2038 · Decided December 17, 2025

SUMMARY

The United States District Court for the District of Maryland considered Brian Moore’s Federal Tort Claims Act claim arising from a 2021 use-of-force incident at FCI-Cumberland. The court held that the discretionary-function exception to the FTCA deprived it of subject-matter jurisdiction and dismissed the amended complaint without prejudice. The court also denied Moore’s motion for reconsideration.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Julie R. Rubin
JURISDICTION	United States District Court for the District of Maryland
DECIDED	December 17, 2025
DOCKET	JRR-23-2038
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a Federal Tort Claims Act claim concerning an alleged assault at a federal correctional institution. The United States moved to dismiss for lack of subject matter jurisdiction or, alternatively, for summary judgment. Plaintiff also moved for reconsideration of an earlier interlocutory memorandum opinion.
STANDARD OF REVIEW	A facial Rule 12(b)(1) challenge assumes the complaint's allegations are true and must be denied if they allege sufficient facts to invoke subject matter jurisdiction. For a factual Rule 12(b)(1) challenge, the court may consider evidence outside the pleadings without converting the motion to one for summary judgment, and dismissal is appropriate when material jurisdictional facts are undisputed and the movant is entitled to prevail as a matter of law. Reconsideration of an interlocutory order under Rule 54(b) is committed to the court's discretion.
PRECEDENTIAL VALUE	Nonprecedential federal district court memorandum opinion
PARTIES	Brian Moore v. United States of America

TOPICS

subject matter jurisdiction

motions to dismiss

motion for reconsideration

sovereign immunity

civil procedure

PRACTICE AREAS

Federal Tort Claims Act

sovereign immunity

civil procedure

torts

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the discretionary-function exception to the Federal Tort Claims Act deprived the district court of subject matter jurisdiction over Moore's claim based on federal correctional officers' use of force.
2. Whether Moore was entitled to reconsideration under Federal Rule of Civil Procedure 54(b) based on his disagreement with the court's prior factual characterization and rulings.

HOLDINGS

1. The discretionary-function exception applied because the officers' responses to Moore's verbal and physical resistance involved judgment and choice, were not controlled by a mandatory directive, and were grounded in public-policy considerations concerning safety and institutional security. The exception therefore deprived the court of subject matter jurisdiction, requiring dismissal without prejudice.
2. Moore's motion for reconsideration was denied because it primarily expressed disagreement with the court's prior factual wording and rulings, which did not provide grounds to revisit the interlocutory order.

KEY QUOTATIONS

"The Court finds that the discretionary use of force in light of Mr. Moore's verbal and physical resistance to his escort were informed by policy decisions regarding safety within FCI-Cumberland. Therefore, the discretionary function exception applies divesting this Court of subject matter jurisdiction." (Discussion)

"The Amended Complaint will be dismissed without prejudice for lack of subject matter jurisdiction." (Conclusion)

FACTUAL BACKGROUND

Moore alleged that, during a July 18, 2021 visual search and escort at the Federal Correctional Institution in Cumberland, Maryland, he resisted Officer Robert Dawson and that Dawson and Officer Ian McCoy used excessive force against him. Moore alleged that he was placed in restraints, escorted to a holding cell, and later lost 27 good-time credits after being found to have committed the prohibited act of assaulting an officer. The United States submitted declarations stating that Dawson used the least force necessary after Moore pulled away and resisted, and that McCoy was not present during Dawson's use of force and denied using excessive force. Moore's administrative tort claim was denied because he failed to demonstrate a personal injury caused by government negligence.

PROCEDURAL HISTORY

The case was before the United States District Court for the District of Maryland on the United States' motion to dismiss or for summary judgment and Moore's motion for reconsideration. The court construed the reconsideration motion under Federal Rule of Civil Procedure 54(b), denied it, granted the motion to dismiss, and dismissed the amended complaint without prejudice for lack of subject matter jurisdiction.

DISPOSITION

dismissed

CASES CITED

- *Am. Canoe Ass'n, Inc. v. Murphy Farms, Inc.*, 326 F.3d 505, 515 (4th Cir. 2003)
- *Fayetteville Inv'rs v. Commercial Builders, Inc.*, 936 F.2d 1462, 1472 (4th Cir. 1991)
- *Official Comm. of the Unsecured Creditors of Color Tile, Inc. v. Coopers & Lybrand, LLP*, 322 F.3d 147, 167 (2d Cir. 2003)
- *Zdanok v. Glidden Co., Durkee Famous Foods Div.*, 327 F.2d 944, 953 (2d Cir. 1964)
- *Lynn v. Monarch Recovery Mgmt.*, 953 F. Supp. 2d 612, 620 (D. Md. 2013)
- *Potter v. Potter*, 199 F.R.D. 550, 553 (D. Md. 2001)
- *Kerns v. United States*, 585 F.3d 187, 192 (4th Cir. 2009)
- *Velasco v. Gov't of Indonesia*, 370 F.3d 392, 398 (4th Cir. 2004)
- *Evans v. B.F. Perkins Co.*, 166 F.3d 642, 647 (4th Cir. 1999)
- *Richmond, Fredericksburg & Potomac R. Co. v. United States*, 945 F.2d 765, 768 (4th Cir. 1991)
- *In re KBR, Inc., Burn Pit Litigation*, 744 F.3d 326, 341 (4th Cir. 2014)
- *United States v. S.A. Empresa de Viacao Aerea Rio Grandense (Varig Airlines)*, 467 U.S. 797, 808 (1984)
- *United States v. Gaubert*, 499 U.S. 315, 322, 324 (1991)
- *Berkovitz v. United States*, 486 U.S. 531, 536 (1988)
- *Kaufman v. United States*, 84 F. Supp. 3d 519, 527, 529 (S.D.W. Va. 2015)
- *Goldstar (Panama) S.A. v. United States*, 967 F.2d 965, 971 (4th Cir. 1992)
- *Williams v. United States*, 50 F.3d 299, 304 (4th Cir. 1995)
- *Medina v. United States*, 259 F.3d 220, 223 (4th Cir. 2001)
- *Wood v. United States*, 845 F.3d 123, 128 (4th Cir. 2017)
- *Goldman v. Brink*, 41 F.4th 366, 369 (4th Cir. 2022)