

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Shirley Boatwright v. Pamela Valdez

Boatwright · No. 3:25CV352 (RCY) · Decided February 20, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia granted the Government's Rule 12(b)(1) motion to dismiss Shirley Boatwright's personal injury claims. The court held that the claims were subject to the Federal Tort Claims Act after the United States was substituted for a federal employee, but Boatwright had not presented an administrative claim to the United States Postal Service as required by 28 U.S.C. § 2675(a). The court also denied leave to amend because amendment could not cure the jurisdictional defect.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	Roderick C. Young
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	February 20, 2026
DOCKET	3:25CV352 (RCY)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The United States removed Plaintiff's Virginia state-court personal-injury action under 28 U.S.C. § 1442 and alternatively under the Federal Tort Claims Act's removal and substitution provision, 28 U.S.C. § 2679(d)(2). After substitution of the United States for the individual defendant, the Government moved to dismiss for lack of subject matter jurisdiction under Rule 12(b)(1).
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the court may consider the complaint alone, the complaint supplemented by undisputed facts in the record, or the complaint supplemented by undisputed facts and the court's resolution of disputed facts. The burden of establishing subject matter jurisdiction rests on the party asserting it. A jurisdictional dismissal without leave to amend is proper when the plaintiff cannot truthfully amend to cure the defect.

PRECEDENTIAL VALUE	Unknown; memorandum opinion from a federal district court with no reported citation identified.
PARTIES	Shirley Boatwright v. United States of America, substituted for Pamela Valdez

TOPICS

[subject matter jurisdiction](#)
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QUESTIONS PRESENTED

1. Whether Plaintiff's state-court claims constituted tort claims for personal injury and money damages within the scope of the Federal Tort Claims Act.
2. Whether the United States was properly substituted for the individual federal employee under 28 U.S.C. § 2679(d)(2).
3. Whether Plaintiff's failure to present an administrative claim to the appropriate federal agency deprived the district court of subject matter jurisdiction under 28 U.S.C. § 2675(a).
4. Whether Plaintiff should be granted leave to amend her pleading despite the failure to exhaust administrative remedies.

HOLDINGS

1. The claims were tort claims for money damages and alleged personal injury caused by wrongful conduct of a federal employee acting within the scope of employment; therefore, they were actionable under 28 U.S.C. § 1346(b) and subject to the FTCA.
2. The United States was properly substituted for Pamela Valdez under 28 U.S.C. § 2679(d)(2) after the United States Attorney certified that Valdez acted within the scope of her federal employment.
3. Plaintiff's failure to present an administrative tort claim to USPS before filing suit failed to satisfy the FTCA's jurisdictional presentment requirement under 28 U.S.C. § 2675(a), so the court lacked subject matter jurisdiction.
4. Leave to amend was properly denied because Plaintiff could not truthfully and readily amend to cure the jurisdictional defect caused by her failure to exhaust administrative remedies.

KEY QUOTATIONS

"Because Plaintiff has not satisfied the administrative exhaustion requirement—a jurisdictional requirement of the FTCA—this Court lacks subject matter jurisdiction and cannot proceed with adjudication of Plaintiff's underlying claims." (III.B)

“Because this suit is actionable and thus cognizable under § 1346(b) of the FTCA, any FTCA remedy is exclusive.” (III.A)

FACTUAL BACKGROUND

Boatwright filed a state-court Warrant in Debt seeking \$7,000, interest, and costs for alleged abuse of power, stalking, harassment, hostile-environment conduct, threats, and disturbance of her peace and health by Pamela Valdez. Valdez was a United States Postal Service supervisor, and the United States Attorney certified that she acted within the scope of her federal employment when the alleged conduct occurred. USPS records and a declaration from its Tort Program and Adjudication manager established that Boatwright had not submitted an administrative tort claim to USPS. Boatwright did not dispute that failure and instead maintained that she was pursuing Valdez individually rather than asserting a tort claim.

PROCEDURAL HISTORY

Boatwright filed a Warrant in Debt in Henrico County General District Court seeking \$7,000 plus interest and costs based on alleged harassment, stalking, abuse of power, and related conduct by Pamela Valdez. The United States removed the case, certified that Valdez acted within the scope of federal employment, and substituted itself as defendant. The district court considered Boatwright's belated opposition and later filings, granted the Rule 12(b)(1) motion, denied leave to amend as futile, and dismissed the action.

DISPOSITION

dismissed

CASES CITED

- *Kerns v. United States*, 585 F.3d 187, 192 (4th Cir. 2009)
- *Adams v. Bain*, 697 F.2d 1213, 1219 (4th Cir. 1982)
- *Moore v. Gregory*, 2024 WL 1774819, at *4 (E.D. Va. Apr. 24, 2024)
- *Piney Run Pres. Ass'n v. Comm'rs of Carroll Cnty.*, 523 F.3d 453, 459 (4th Cir. 2008)
- *Hostetler v. U.S.*, 97 F. Supp. 2d 691, 694-695 (E.D. Va. 2000)
- *Williamson v. Tucker*, 645 F.2d 404, 413 (5th Cir. 1981)
- *U.S. v. Dalm*, 494 U.S. 596, 608 (1990)
- *Estate of Van Emburgh ex rel. Van Emburgh v. United States*, 95 F.4th 795, 800-801 (4th Cir. 2024)
- *F.D.I.C. v. Meyer*, 510 U.S. 471, 476 (1994)
- *Brownback v. King*, 592 U.S. 209, 212 (2021)
- *Brownback v. King*, 592 U.S. 209, 217-218 (2021)
- *Farnsworth v. Yellen*, 2022 WL 1912785, at *3 (W.D. Va. June 3, 2022)
- *Evans v. United States*, 105 F.4th 606, 610 (4th Cir. 2024)
- *Levin v. U.S.*, 568 U.S. 503, 507 (2013)
- *Matter of Moore*, 488 F. Supp. 3d 231, 238 (D. Md. 2020)

- Henderson v. United States, 785 F.2d 121, 123-124 (4th Cir. 1986)
- Ahmed v. U.S., 30 F.3d 514, 516 (4th Cir. 1994)
- Kokotis v. U.S. Postal Service, 223 F.3d 275, 278 (4th Cir. 2000)
- Blake v. United States, 2023 WL 3173895, at *1 n.1 (D. Md. May 1, 2023)
- Blake v. United States, 2023 WL 3173895, at *2 (D. Md. May 1, 2023)

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