

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA

Rontarius Wilson v. United States of America

Wilson · No. 4:25-cv-360-AW-MAF · Decided April 20, 2026

SUMMARY

The United States District Court for the Northern District of Florida upheld the Westfall Act certification and substitution of the United States for the individual defendant. The court held that the plaintiff failed to show the employee acted outside the scope of employment and failed to demonstrate presentment of his claim under the Federal Tort Claims Act. The court denied the motion for judicial review, granted the United States’ motion to dismiss, and dismissed the case without prejudice for lack of jurisdiction.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida
WRITING FOR THE COURT	Allen Winsor
JURISDICTION	United States District Court for the Northern District of Florida
DECIDED	April 20, 2026
DOCKET	4:25-cv-360-AW-MAF
DISPOSITION	dismissed
PROCEDURAL POSTURE	Wilson sued Jose Feliciano in Florida state court. The United States removed the action under the Westfall Act, certified that Feliciano acted within the scope of his employment, and was substituted as the defendant. Wilson sought judicial review of the certification, and both parties moved to dismiss. The district court adopted the magistrate judge's report and recommendation in part, denied Wilson's motion for judicial review, granted the United States' motion to dismiss, and dismissed the case without prejudice for lack of jurisdiction.
STANDARD OF REVIEW	De novo review applies to the Attorney General's scope-of-employment certification. The certification serves as prima facie evidence that the conduct occurred within the scope of employment, placing the burden on the plaintiff to prove otherwise.
PRECEDENTIAL VALUE	unpublished district court final order; precedential status not stated

PARTIES

Rontarius Wilson v. United States of America

TOPICS

subject matter jurisdiction

civil procedure

federal employment law

torts

PRACTICE AREAS

Federal Tort Claims Act

Westfall Act

federal employment law

civil procedure

QUESTIONS PRESENTED

1. Whether Feliciano acted outside the scope of his employment so that the United States' Westfall Act certification and substitution were improper.
2. Whether the district court had jurisdiction over Wilson's FTCA claim when Wilson had not shown that he presented the claim to the appropriate federal agency.
3. Whether the derivative-jurisdiction issue required dismissal.

HOLDINGS

1. The certification and substitution of the United States were proper because the undisputed evidence showed that Feliciano was cleaning an authorized workspace at the Quincy post office, and Wilson failed to prove that Feliciano acted outside the scope of his employment.
2. The court lacked jurisdiction because Wilson did not show that he presented his claim to the appropriate federal agency before pursuing the action against the United States.
3. The court did not decide the derivative-jurisdiction issue because the FTCA exhaustion defect independently required dismissal.

KEY QUOTATIONS

“While the court “must apply de novo review to the Attorney General’s scope of employment certification,” the certification itself “serves as prima facie evidence that the conduct at issue occurred within the scope of employment.”” (at 2)

“This case is dismissed without prejudice for lack of jurisdiction.” (at 5)

FACTUAL BACKGROUND

The Postmaster attested that she authorized Feliciano to use an area of the Quincy post office as a workspace and asked a custodian to help him clean the room. Feliciano removed personal property while cleaning out that workspace. Wilson did not provide evidence sufficient to show that Feliciano acted outside the scope of his employment or that the Quincy post office was not an authorized workplace.

PROCEDURAL HISTORY

Wilson alleged that Feliciano disposed of personal property without authorization. After removal, the United States certified scope of employment and was substituted for Feliciano. The magistrate judge construed Wilson's motion as a request for judicial review of the certification and issued a report and recommendation after supplemental briefing. Neither party objected. The district court adopted the report and recommendation to the extent consistent with its final order and dismissed the case without prejudice because Wilson had not shown presentment of his claim to the appropriate federal agency under the Federal Tort Claims Act.

DISPOSITION

dismissed

CASES CITED

- De Martinez v. Lamagno, 515 U.S. 417, 434 (1995)
- Omnipol, A.S. v. Multinational Def. Servs., LLC, 32 F.4th 1298, 1305 (11th Cir. 2022)
- Kane Furniture Corp. v. Miranda, 506 So. 2d 1061, 1067 (Fla. 2d DCA 1987)
- Nadler v. Mann, 951 F.2d 301, 305 (11th Cir. 1992)
- Morrison Motor Co. v. Manheim Servs. Corp., 346 So. 2d 102, 104 (Fla. 2d DCA 1977)

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