

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Z.T. v. United States

No. 1:25-cv-00470-KES-SKO (E.D. Cal. July 6, 2025) · No. 1:25-cv-00470-KES-SKO · Decided July 7, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the United States’ Rule 12(b)(1) motion to dismiss claims arising from alleged medical malpractice because the plaintiffs did not exhaust administrative remedies under the Federal Tort Claims Act. The court substitutes the United States for Dr. Auther E. Adams under 28 U.S.C. § 2679(d)(2). The court remands the remaining state-law claims against Saint Agnes Medical Center to Fresno County Superior Court and closes the federal case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 7, 2025
DOCKET	1:25-cv-00470-KES-SKO
DISPOSITION	remanded
PROCEDURAL POSTURE	The United States removed a medical-malpractice action from Fresno County Superior Court and moved under Federal Rule of Civil Procedure 12(b)(1) to dismiss the claims against it for lack of subject matter jurisdiction based on failure to exhaust the Federal Tort Claims Act's administrative-claim requirement. The court granted the motion and remanded the remaining state-law claims against Saint Agnes Medical Center.
STANDARD OF REVIEW	A Rule 12(b)(1) motion may present a facial or factual attack on subject matter jurisdiction. On a factual attack, the court may consider evidence outside the complaint without converting the motion into one for summary judgment, need not presume the truth of the allegations, and places on the opposing party the burden of presenting evidence establishing jurisdiction.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Z.T., a minor, by and through his guardian ad litem, Macy McCoy, Macy McCoy, Demmari Thomas v. United States of America, Saint Agnes Medical Center

TOPICS

subject matter jurisdiction

motions to dismiss

medical malpractice

civil procedure

PRACTICE AREAS

civil procedure

medical malpractice

Federal Tort Claims Act

subject matter jurisdiction

QUESTIONS PRESENTED

1. Whether the claims against the United States had to be dismissed for lack of subject matter jurisdiction because plaintiffs failed to exhaust the Federal Tort Claims Act's administrative remedies before filing suit.
2. Whether the remaining state-law claims against Saint Agnes Medical Center should be remanded after dismissal of the United States eliminated the sole stated basis for federal jurisdiction.
3. Whether the United States should be substituted for Auther E. Adams under 28 U.S.C. § 2679(d)(2) based on the government's scope-of-employment certification.

HOLDINGS

1. The claims against the United States must be dismissed for lack of subject matter jurisdiction because plaintiffs failed to exhaust the FTCA's administrative-claim requirement before filing suit.
2. The remaining state-law claims against Saint Agnes Medical Center must be remanded to Fresno County Superior Court because dismissal of the United States eliminated the sole stated basis for removal and no diversity jurisdiction was shown.
3. The United States was properly substituted as the defendant for Auther E. Adams pursuant to 28 U.S.C. § 2679(d)(2), based on the government's certification that Dr. Adams acted within the course and scope of federal employment.

KEY QUOTATIONS

"In a facial attack, the challenger asserts that the allegations contained in a complaint are insufficient on their face to invoke federal jurisdiction." (at 3)

"The FTCA's exhaustion requirement is jurisdictional and may not be waived." (at 3)

FACTUAL BACKGROUND

Plaintiffs alleged that Macy McCoy was admitted to Saint Agnes Medical Center for labor and delivery on October 26, 2022, and that Dr. Adams negligently delivered Z.T., causing Z.T. to require extensive grafting and invasive surgery at another hospital. They also alleged that Saint Agnes's nurses and medical personnel

negligently failed to assist properly during the delivery, and that Z.T.'s parents suffered emotional distress. No plaintiff submitted an administrative claim to the Department of Health and Human Services before filing suit.

PROCEDURAL HISTORY

Plaintiffs originally filed the action in Fresno County Superior Court on October 23, 2024, against Auther E. Adams, M.D., and Saint Agnes Medical Center. The United States removed the case on April 23, 2025, certified that Dr. Adams was acting within the scope of federal employment, and was substituted for him under 28 U.S.C. § 2679(d)(2). The United States moved to dismiss, plaintiffs did not oppose, and the district court dismissed the claims against the United States and remanded the remaining claims to Fresno County Superior Court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The remaining claims against Saint Agnes Medical Center are remanded to Fresno County Superior Court. The clerk was directed to mail a copy of the order to that court and close the federal case.

CASES CITED

- D.L. by and through Junio v. Vassilev, 858 F.3d 1242, 1244 (9th Cir. 2017)
- Safe Air for Everyone v. Meyer, 373 F.3d 1035, 1039 (9th Cir. 2004)
- Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995)