

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Tedearo Burrell v. William L. Warbington

Burrell · No. 2:25-cv-13254 · Decided March 4, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan granted Defendant’s motion to dismiss for lack of subject matter jurisdiction. The court held that Plaintiff had not identified a waiver of sovereign immunity permitting claims effectively brought against the Social Security Administration and dismissed the claims with prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Matthew F. Leitman
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	March 4, 2026
DOCKET	2:25-cv-13254
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss for lack of subject matter jurisdiction after removing the action from state court under 28 U.S.C. § 1442 and § 2679(d). Plaintiff did not respond.
STANDARD OF REVIEW	The court addressed a motion to dismiss for lack of subject matter jurisdiction; the opinion does not state a separate standard-of-review formulation.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated
PARTIES	Tedearo Burrell v. William L. Warbington

TOPICS

- subject matter jurisdiction
- motions to dismiss
- civil procedure
- administrative law
- federalism

PRACTICE AREAS

- Federal courts
- Sovereign immunity
- Administrative law

QUESTIONS PRESENTED

- 1. Whether the court had subject matter jurisdiction over claims effectively brought against a federal agency or federal employee acting within the scope of federal employment absent an identified waiver of sovereign immunity.
- 2. Whether the defendant's motion to dismiss should be granted and the claims dismissed with prejudice.

HOLDINGS

- 1. Because Burrell failed to identify a waiver of sovereign immunity permitting his suit against the federal agency or federal defendant, the court lacked subject matter jurisdiction.
- 2. The defendant's motion to dismiss for lack of subject matter jurisdiction was granted, and Burrell's claims were dismissed with prejudice.

KEY QUOTATIONS

“*identify a waiver of sovereign immunity.*” (PageID.24-25)

FACTUAL BACKGROUND

Burrell brought claims arising from conduct by an employee of the U.S. Social Security Administration. The defendant removed the action after a federal certification that he was acting within the scope of his employment, and the court treated the action as effectively against the Social Security Administration or the United States. Burrell did not identify a waiver of sovereign immunity and did not oppose dismissal.

PROCEDURAL HISTORY

Burrell sued William L. Warbington, identified in the opinion as an employee of the Social Security Administration. Warbington removed the action to federal court after an Attorney General designee certified that he acted within the scope of his federal employment. The district court granted the unopposed motion to dismiss for lack of subject matter jurisdiction and dismissed the claims with prejudice.

DISPOSITION

dismissed

CASES CITED

- Reetz v. United States, 224 F.3d 794, 795 (6th Cir. 2000)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN
DIVISION TEDEARO BURRELL, Plaintiff, Case No. 25-cv-13254 v. Hon. Matthew F. Leitman
WILLIAM L. WARBINGTON, Defendant.
_____/ ORDER
GRANTING DEFENDANT’S MOTION TO DISMISS (ECF No. 4) In this case, Plaintiff Tedearo

Burrell brings claims against Christopher Warbington,¹ an employee of the U.S. Social Security Administration.

(See Notice of Removal, ECF No. 1.) Warbington removed the case to this Court under 28 U.S.C. § 1442 and 28 U.S.C. § 2679(d) “because the Attorney General, through his designee,... has certified that [Warbington] was acting within the scope of his employment at the time of the incident out of which this suit arose.” (Id., PageID.1- 2.) Burrell’s action is therefore one “against or directed to... [t]he United States or any agency thereof or any officer (or any person acting under that officer) of the 1 Burrell named a “William L. Warbington” as Defendant, but Defendant has since clarified that his name is Christopher Warbington.

(See Mot., ECF No. 4, PageID.16.) United States,” 28 U.S.C. § 1442, and removal is proper under 28 U.S.C. § 1442(a)(1). On November 24, 2025, Warbington filed a motion to dismiss the claims for lack of subject matter jurisdiction, in which he explained that Burrell’s suit is effectively a suit against the Social Security Administration and suits brought against U.S. government agencies shall be dismissed unless the plaintiff can “identify a waiver of sovereign immunity.” (See Mot., ECF No. 4, PageID.24-25 (quoting *Reetz v. United States*, 224 F.3d 794, 795 (6th Cir.

2000).) Burrell did not respond to the motion. Because Burrell has not met his burden to identify a waiver of sovereign immunity that would permit his suit, Warbington’s motion to dismiss for lack of subject matter jurisdiction is GRANTED.

The Court DISMISSES Burrell’s claims against Warbington with prejudice. IT IS SO ORDERED.
s/Matthew F. Leitman MATTHEW F. LEITMAN UNITED STATES DISTRICT JUDGE Dated:
March 4, 2026 I hereby certify that a copy of the foregoing document was served upon the parties
and/or counsel of record on March 4, 2026, by electronic means and/or ordinary mail. s/Holly A.
Ryan Case Manager