

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 96-50898  
Summary Calendar

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HENRY MCCORD,

Plaintiff-Appellant,

VERSUS

UNITED STATES OF AMERICA,

Defendant-Appellee.

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Appeal from the United States District Court  
For the Western District of Texas

(EP-96-CV-164)

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July 10, 1997

Before JONES, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

Henry McCord appeals the dismissal of his medical-malpractice suit for lack of subject-matter jurisdiction pursuant to 28 U.S.C. § 2401(b). McCord contends that the statute of limitations did not bar his suit because his administrative tort claim was filed within two years of the time he became aware of the factual predicate for

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\*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

a possible medical malpractice claim. We have reviewed the record, the district court's opinion, and the briefs of the parties and conclude that McCord's claim against the United States was properly dismissed. Accordingly, we affirm for essentially the reasons given by the district court. See **Kubrick v. United States**, 444 U.S. 111, 118-124 (1977). We add that McCord's filing of a state court lawsuit was not sufficient, in this Circuit, to substitute for filing notice of his administrative claim with the United States Army within two years. See, e.g., **Houston v. United States Postal Service**, 823 F.2d 896, 900-01 (5th Cir. 1987).

**AFFIRMED.**