

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-50425  
Summary Calendar

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SULEMA C. ESTRELLA;  
JOSE ESTRELLA, III,

Plaintiffs-Appellants,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-99-CV-1000-FB  
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December 13, 2000

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

The Estrellas appeal the district court's grant of summary judgment to the defendants in this Federal Tort Claims Act (FTCA) case. They first argue that the district court erred in determining that their claim was barred by the statute of limitations. The district court's determination on this issue was not erroneous, as the Estrellas failed to timely present their administrative claim to the appropriate agency. See 28 U.S.C. § 2401(b).

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

The Estrellas next argue that the district court erred in determining that Dr. Washington was a Government employee for FTCA purposes. The district court did not err, as Washington falls under the provisions of 42 U.S.C. § 233(g). The Estrellas' final argument is that the case should have been remanded. This contention is not meritorious. The case was properly removed pursuant to 28 U.S.C. § 2679(d)(2). The Estrellas have failed to show that the district court erred in denying their motion to remand and granting the defendants' motion for summary judgment. Consequently, the judgment of the lower court is AFFIRMED.