

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-31214
Summary Calendar

BARRY D. TROMBLAY, ET AL.,

Plaintiffs,

BARRY D. TROMBLAY,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
(00-CV-1310)

July 8, 2002

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Barry D. Tromblay appeals the dismissal, pursuant to FED. R. Civ. P. 12(b)(1), for lack of subject matter jurisdiction over his action under the Federal Tort Claims Act (FTCA). Tromblay contends: his complaint, filed over a year after the General Services Administration (GSA) denied his administrative claim, was

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

timely because: it was filed within six months of the GSA's action on his "amended" administrative claim (filed over *nine months* after the GSA's denial of his claim); and his workers' compensation case (previously filed in state court) tolled the FTCA's statute of limitations.

We review *de novo* Rule 12(b)(1) dismissals. The FTCA is a waiver of sovereign immunity; such waivers are construed narrowly. *E.g.*, ***Price v. United States***, 69 F.3d 46, 49 (5th Cir. 1995), cert. denied, 519 U.S. 927 (1996). Tromblay had six months from the date of the GSA's denial of his claim to file this action. 28 U.S.C. § 2401(b). Because he filed it more than six months after the GSA denied his claim, and because he cites no authority that would have enabled him to amend his administrative claim after a final agency denial, his contention fails. Additionally, filing a state workers' compensation claim has no effect on the FTCA's limitations period. See ***Childers v. United States***, 442 F.2d 1299 (5th Cir. 1971); ***Mendiola v. United States***, 401 F.2d 695 (5th Cir. 1968).

AFFIRMED