

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-60344
Summary Calendar

GEORGE COGHLAN; PEGGY COGHLAN,

Plaintiffs-Appellants,

versus

DAN GLICKMAN, In his capacity as Secretary of the
United States Department of Agriculture;
NORRIS FAUST, JR., In his capacity as Mississippi
State Executive Director of the Farm Service Agency,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:97-CV-683-WS

April 1, 2002

Before DAVIS, BENAVIDES and CLEMENT, Circuit Judges

PER CURIAM:*

George and Peggy Coghlan appeal from the district court's orders granting the defendants' motion to dismiss or, in the alternative, for summary judgment. Construing their arguments as challenges to the district court's summary judgment ruling, the Coghlanes argue that the Farm Service Agency (FSA) acted

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

unlawfully and violated administrative regulations by failing to notify the Coghlanes of its appeal from the hearing officer's adverse "bad faith" decision to the National Appeal Division's (NAP) Acting Director. They further contend that the FSA acted deceptively in calculating the Coghlanes' outstanding debt, in preparing a feasibility report, and in failing to honor the prior reversals issued by the NAD's hearing officers. Finally, the Coghlanes assert that the district court erred in dismissing their federal tort claims for failing to exhaust administrative remedies since they exercised "due diligence" in pursuing these claims.

The Coghlanes fail to identify an genuine issue of material fact sufficient to disturb the district court's summary judgment ruling in favor of the defendants. See FED. R. CIV. P. 56(c). Furthermore, because the Coghlanes did not exhaust their administrative remedies, the district court did not err in dismissing the federal tort claims for lack of jurisdiction. See Price v. United States, 81 F.3d 520, 521 (5th Cir. 1996).

The Coghlanes' motion to supplement the record with documents not presented to the district court is DENIED. See United States v. Flores, 887 F.2d 543, 546 (5th Cir. 1986). Their motion to stay is also DENIED as moot.

AFFIRMED.