

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 16, 2022

Lyle W. Cayce
Clerk

No. 22-40296
Summary Calendar

LAMON SANDEL DEWAYNE DONNELL,

Plaintiff—Appellant,

versus

UNITED STATES OF AMERICA,

Defendant—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:20-CV-714

Before JONES, HAYNES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Criminally convicted prisoner Lamon Donnell filed a civil case claiming malicious prosecution against the Assistant United States Attorney who prosecuted him; the United States was substituted as the proper party defendant and moved to dismiss for want of subject matter jurisdiction. The

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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district judge, based upon the recommendations of the magistrate judge, granted the Government's motion to dismiss. We agree. *See, e.g.*, 28 U.S.C. §§ 2401(b), 2675(a); *Ramming v. United States*, 281 F.3d 158, 162 (5th Cir. 2001) (regarding 28 U.S.C. § 2401(b)); *Coleman v. United States*, 912 F.3d 824, 834 (5th Cir. 2019) (regarding 28 U.S.C. § 2675(a)).

Accordingly, the Government's motion for summary affirmance is GRANTED, the alternative motion for an extension of time is DENIED, and the district court's judgment is AFFIRMED. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).