

04-848 DOLAN V. UNITED STATES POSTAL SERVICE

DECISION BELOW:377 F3d 285

LOWER COURT CASE NUMBER: 03-1840

QUESTIONS PRESENTED:

Does not this case - which involved a determination of whether the district court had jurisdiction over the claim of plaintiff when her injury was caused by the negligent placement of mail at the place of delivery - call for an exercise of this Courts supervisory power where there is a dispute between the circuits of the Court of Appeals as to whether the exception to the Federal Tort Claims Act, 28 U.S.C. § 2680 (b) barred this lawsuit and where the Third Circuit narrowly construed the Act? (Answered in the negative by the Court below)

QUESTION AS RESTATED IN PETITIONER'S BRIEF:

Whether a claim for personal injury caused by the negligence of a United States Postal Service employee while delivering mail is barred by 28 U.S.C. § 2680(b), the exception to the government's waiver of sovereign immunity in the Federal Tort Claims Act for claims "arising out of the loss, miscarriage, or negligent transmission of letters or postal matter."

CERT. GRANTED 4/25/2005