

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 14-51247
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 13, 2015

Lyle W. Cayce
Clerk

WILLIAM BATH; MERRILEE BATH,

Plaintiffs–Appellants,

versus

UNITED STATES OF AMERICA,

Defendant–Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:13-CV-335

Before SMITH, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

William and Merrill Bath sued under the Federal Tort Claims Act, alleging negligent medical care at a veterans' hospital. The district court granted the government's motion to dismiss for want of jurisdiction under Federal Rule of Civil Procedure 12(b)(1) "because the plaintiffs failed to present their administrative claims within two years of accrual as required by the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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FTCA.” The district court explained its ruling in a brief but sufficiently thorough and convincing Memorandum Opinion filed September 23, 2014. The court correctly reasoned, based on undisputed facts, that Mr. Bath knew of the injury well before filing his administrative claim.

The judgment of dismissal is **AFFIRMED**, essentially for the reasons advanced by the district court.