24-351 UNITED STATES POSTAL SERVICE V. KONAN

DECISION BELOW: 96 F.4th 799

LOWER COURT CASE NUMBER: 23-10179

QUESTION PRESENTED:

The Federal Tort Claims Act (FTCA), ch. 753, 60 Stat. 842 (28 U.S.C. 1346(b), 2671 *et seq*.), generally waives the United States' sovereign immunity for suits seeking damages "for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission" of an employee of the federal government "under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred." 28 U.S.C. 1346(b)(1). The FTCA, however, excepts from that waiver of immunity "[a]ny claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter." 28 U.S.C. 2680(b). The question presented is as follows:

Whether a plaintiff's claim that she and her tenants did not receive mail because Postal Service employees intentionally did not deliver it to a designated address arises out of "the loss" or "miscarriage" of letters or postal matter. 28 U.S.C. 2680(b).

CERT. GRANTED 4/21/2025