

Office of the Principal Legal Advisor

U.S. Department of Homeland Security  
9<sup>th</sup> Floor  
500 12<sup>th</sup> Street SW  
Washington, DC 20024



U.S. Immigration  
and Customs  
Enforcement

September 28, 2011

Brian Spears, Esq.  
1126 Ponce de Leon Avenue  
Atlanta, GA 30306

Re: Federal Tort Claim of Sara Hernandez, Widow of Robert Medina

Dear Mr. Spears,

The claim you have submitted to the Department of Homeland Security has been referred to this office for determination.

Any recovery under the Federal Tort Claims Act must be predicated upon a showing of a negligent or wrongful act or omission of a federal government employee acting within the scope of his/her employment. 28 U.S.C. § 1346(b).

This office reviewed the circumstances surrounding this alleged incident and determined that you failed to establish that any negligent or wrongful act or omission of a federal government employee caused this alleged incident.

Your claim is denied.

If you are dissatisfied with this determination, you may file suit in an appropriate United States District Court not later than six months after the date of mailing of this notification of denial. 28 U.S.C. § 2401(b).

A handwritten signature in black ink, appearing to read "Iris M. Rossiter".

Very truly yours,  
Iris M. Rossiter  
Associate Legal Advisor

