NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

McNEIL *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 92–6033. Argued April 19, 1993—Decided May 17, 1993

Four months after petitioner McNeil, proceeding without counsel, filed this Federal Tort Claims Act (FTCA) suit for money damages arising from his alleged injury by the United States Public Health Service, he submitted a claim for such damages to the Department of Health and Human Services, which promptly denied the claim. The District Court subsequently dismissed McNeil's complaint as premature under an FTCA provision, 28 U. S. C. §2675(a), which requires that a claimant exhaust his administrative remedies before bringing suit. The Court of Appeals affirmed, although decisions in other Circuits have permitted a prematurely filed FTCA action to proceed if no substantial progress has taken place in the litigation before the administrative remedies are exhausted.

Held: An FTCA action may not be maintained when the claimant failed to exhaust his administrative remedies prior to filing suit, but did so before substantial progress was made in the litigation. Section 2675(a)'s unambiguous text—which commands that an ``action shall not be instituted . . . unless the claimant shall have first presented the claim to the appropriate . . . agency and his claim shall have been finally denied by the agency''—requires rejection of McNeil's contention that his action was timely because it was commenced when he lodged his complaint with the District Court. The complaint was filed too early, since McNeil's claim had not previously been presented to the Public Health Service nor ``finally denied'' by that agency. Also unpersuasive is McNeil's argument that his action was timely because it should be viewed as having been ``instituted'' on the date when his administrative claim was denied. In its statutory context, the normal interpretation of the word ``institute'' is synonymous with the words ``begin'' and ``commence.'' The most natural

reading of the statute indicates that Congress intended to require complete exhaustion of Executive remedies before invocation of the judicial process. Moreover, given the clarity of the statutory text, it is certainly not a ``trap for the unwary.'' Pp. 4–8.

MCNEIL *v.* UNITED STATES

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964 F. 2d 647, affirmed.

STEVENS, J., delivered the opinion for a unanimous Court.