

United States Court of Appeals
For the Eighth Circuit

No. 19-3762

Quinn Bass, Surviving son, individually, and as plaintiff Ad Litem on behalf of decedent Lawrence C. Bass Jr.; LaToya Garcia, Surviving daughter; M. B., Surviving minor daughter, through their Natural Mother, and Next Friend, Phynice Kelley; T. B., Surviving minor daughter, through their Natural Mother, and Next Friend Phynice Kelley; Phynice Kelley, Next friend of Lawrence C. Bass Jr., deceased

Plaintiffs - Appellants

v.

United States of America

Defendant - Appellee

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: January 20, 2021

Filed: January 28, 2021

[Unpublished]

Before KELLY, MELLOY, and GRASZ, Circuit Judges.

PER CURIAM.

Quinn Bass, LaToya Garcia, Phynice Kelley, and minors M. B. and T. B.--through their mother and next friend Kelley--appeal the district court's¹ dismissal of their Federal Tort Claims Act (FTCA) action for lack of subject matter jurisdiction. Upon de novo review, see Buckler v. United States, 919 F.3d 1038, 1044 (8th Cir. 2019) (standard of review), we affirm. We agree with the district court that the United States was the statutory employer of appellants' decedent under Missouri law, such that workers' compensation was their exclusive remedy, and thus the United States was not liable under the FTCA. See id. (if private person acting in similar circumstances would not be liable under state law for alleged harm, there is no FTCA waiver of sovereign immunity); Bass v. Nat'l Super Markets, Inc., 911 S.W.2d 617, 619-20 (Mo. banc 1995) (elements of statutory employment).

The judgment is affirmed. See 8th Cir. R. 47B.

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.