

NOT FOR PUBLICATION
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No. 07-2010

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

GARY TYSON,

Plaintiff-Appellant,

v.

**DEPARTMENT OF VETERANS
AFFAIRS, dba Veterans Administration
Medical Center, Ann Arbor, Michigan,**

Defendant-Appellee.

**ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE EASTERN
OF MICHIGAN**

BEFORE: GUY, SUHRHEINRICH and GIBBONS, Circuit Judges.

PER CURIAM: Plaintiff-Appellant, Gary Tyson, appeals the district court's dismissal of his claim for medical malpractice against the Department of Veteran Affairs d/b/a Veterans Administration Medical Center, Ann Arbor, Michigan, as barred by sovereign immunity under the Federal Tort Claims Act, 28 U.S.C. §§ 1346, 1402, 2401-02, 2411-12, 2671-80 (FTCA). The district court held that the doctor in question was not an employee of the VA but rather the agent of a contractor and the waiver of sovereign immunity for government employees under the FTCA did not apply.

Having reviewed the record, the parties' briefs, the relevant law, and having heard oral argument, we **AFFIRM** the judgment of the district court on the basis of its opinions dated June 26, 2007, and July 24, 2007.

