

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

ELOY MASCORRO,
Plaintiff-Appellant

v.

**SAN DIEGO COUNTY, CA, THE SAN DIEGO
SHERRIF'S DEPARTMENT, SAN DIEGO SHERIFF,
SHERIFF DEPUTIES, JAIL STAFF, C.L.E.R.B.,**
Defendants-Appellees

2023-1974

Appeal from the United States District Court for the Southern District of California in No. 3:21-cv-02012-RSH-DDL, Judge Robert S. Huie.

Before PROST, HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

Eloy Mascorro appeals from the United States District Court for the Southern District of California's dismissal of his complaint asserting civil rights violations against California state entities. Because it appeared we lacked jurisdiction, we directed the parties to show cause why this case should not be transferred or dismissed. In response, Mr.

Mascorro requests transfer to the United States Court of Appeals for the Ninth Circuit, stating that was where he intended his appeal to be heard. ECF No. 5 at 3.

This appeal does not fall within the limited authority that Congress granted this court to review decisions of federal district courts. That jurisdiction generally extends to cases arising under the patent laws, *see* 28 U.S.C. § 1295(a)(1); civil actions on review to the district court from the United States Patent and Trademark Office, *see* §1295(a)(4)(C); or certain damages claims against the United States “not exceeding \$10,000 in amount,” 28 U.S.C. § 1346(a)(2), *see* 28 U.S.C. § 1295(a)(2); 28 U.S.C. § 1292(c)(1). Lacking jurisdiction, we may transfer to another court where “the action or appeal could have been brought at the time it was filed.” 28 U.S.C. § 1631. Here, the appropriate court is the Ninth Circuit.

Accordingly,

IT IS ORDERED THAT:

The appeal and all its filings are transferred to the United States Court of Appeals for the Ninth Circuit pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

December 15, 2023
Date