

NOTE: This order is nonprecedential.

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

WILLIAM CHARLES NORTON,
Plaintiff-Appellant

v.

COMMISSIONER OF SOCIAL SECURITY,
Defendant-Appellee

2023-2249

Appeal from the United States District Court for the Western District of New York in No. 6:20-cv-06701-WBC, Magistrate Judge William B. Carter.

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

PER CURIAM.

O R D E R

William Charles Norton appeals from the judgment of the United States District Court for the Western District of New York affirming the denial of his application for Child Disability Benefits under the Social Security Act. In response to this court's September 29, 2023, order to show cause, the Commissioner of Social Security urges either dismissal or transfer to the United States Court of Appeals for the Second Circuit. Mr. Norton has not responded.

We agree with the Commissioner that 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 patent cases, *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). It does not include appeals in Social Security Act cases.

When this court lacks jurisdiction, it may transfer to another court, if it is in the interest of justice, where “the action or appeal could have been brought at the time it was filed.” 28 U.S.C. § 1631. Appeals from district court decisions issued under 42 U.S.C. § 405(g) generally belong in the regional circuit in which the district court sits, in this case the Second Circuit. 28 U.S.C. §§ 41, 1291.

Accordingly,

IT IS ORDERED THAT:

Pursuant to 28 U.S.C. § 1631, this case and all transmittals are transferred to the United States Court of Appeals for the Second Circuit.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

December 15, 2023
Date