

NOTE: This order is nonprecedential.

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

KENNETH L. SANFORD,
Plaintiff-Appellant

v.

**FRANKLIN, VA, SOUTHAMPTON COUNTY
ADMINISTRATOR, SELECTIVE INSURANCE
COMPANY OF AMERICA,**
Defendants-Appellees

2023-1028

Appeal from the United States District Court for the Eastern District of Virginia in No. 3:21-cv-00046-MHL, Judge M. Hannah Lauck.

PER CURIAM.

O R D E R

Kenneth L. Sanford sued Franklin, VA, the Southampton County Administrator, and Selective Insurance Company of America in the United States District Court for the Eastern District of Virginia for a variety of alleged civil rights violations. The case was dismissed with prejudice and Mr. Sanford filed a Notice of Appeal, which named the “U.S. Court of Appeals for the Federal Circuit.” The notice was initially transmitted to the United States Court of

Appeals for the Fourth Circuit, but, based on Mr. Sanford's notice and his request that his notice be transmitted to us, the Fourth Circuit administratively closed that appeal. Appeal No. 22-2030, ECF No. 5 at 1 (4th Cir. Oct. 6, 2022).

We lack jurisdiction over Mr. Sanford's appeal. This court possesses jurisdiction over only certain appeals from federal district courts, including cases arising under the patent laws, *see* 28 U.S.C. §§ 1295(a)(1), 1295(a)(4)(C), and certain cases against the United States for claims "not exceeding \$10,000 in amount," 28 U.S.C. § 1346(a)(2), *see* 28 U.S.C. § 1295(a)(2). None of these apply to Mr. Sanford's case.

When this court lacks jurisdiction over an appeal, it shall, "if it is in the interest of justice, transfer such . . . appeal" to a court "in which the . . . appeal could have been brought." 28 U.S.C. § 1631. Although Mr. Sanford requests transfer to the United States Court of Appeals for the District of Columbia Circuit, there is no basis to conclude this appeal could have been brought there; rather, the appropriate appellate court to review a final decision in Mr. Sanford's case, filed in the Eastern District of Virginia, is the Fourth Circuit. *See* 28 U.S.C. §§ 41, 1291. Under the circumstances, where there is no charge of another jurisdictional defect, we deem it the better course to transfer Mr. Sanford's appeal to that court.

Accordingly,

SANFORD v. FRANKLIN, VA

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IT IS ORDERED THAT:

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

FOR THE COURT

December 13, 2022
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court