



1 damages of \$500,000, thus meeting the monetary requirement. The gravamen of plaintiff's  
2 complaint is that the actions of the United States constituted a taking of plaintiff's property in  
3 violation of the Fifth Amendment. Such a claim properly sounds in inverse condemnation, and  
4 this court lacks subject matter jurisdiction over such a claim. See Myers v. United States, 323  
5 F.2d 580, 583 (9th Cir. 1963); see also Munoz v. Mabus, 630 F.3d 856, 863 n. 5 (exclusive  
6 jurisdiction vested in Court of Federal Claims where amount exceeds \$10,000); see also  
7 Bourgeois v. United States, 545 F.2d 727, 729 n.1 (Ct. Cl. 1976) (dispute over ownership of  
8 property in a takings claim does not oust jurisdiction of Court of Federal Claims).

9 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed for lack of  
10 subject matter jurisdiction.

11 These findings and recommendations are submitted to the United States District Judge  
12 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
13 after being served with these findings and recommendations, any party may file written  
14 objections with the court and serve a copy on all parties. Such a document should be captioned  
15 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections  
16 within the specified time may waive the right to appeal the District Court's order. Martinez v.  
17 Ylst, 951 F.2d 1153 (9th Cir. 1991).

18 Dated: July 30, 2014

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CAROLYN K. DELANEY  
21 UNITED STATES MAGISTRATE JUDGE

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