

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FILED

AUG 10 2021

Clerk, U.S. District & Bankruptcy Court for the District of Columbia

SHAUN RUSHING,)
Plaintiff,)
v.)
FEDERAL BUREAU OF INVESTIGATION,)
Defendant.)

Civil Action No. 21-2098 (UNA)

MEMORANDUM OPINION

This matter, brought pro se, is before the Court on review of plaintiff’s application to proceed in forma pauperis (“IFP”) and his Complaint against the Federal Bureau of Investigation. The application will be granted, and this case will be dismissed for want of jurisdiction. See Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action “at any time” it determines that subject matter jurisdiction is wanting).

Plaintiff sues the FBI based on his alleged services as an informant. He seeks “\$110 Trillion dollars.” Compl. at 1. Sovereign immunity bars a suit against the United States and its agencies except upon consent, which must be clear and unequivocal. United States v. Mitchell, 445 U.S. 535, 538 (1980) (citation omitted). A waiver of sovereign immunity “must be unequivocally expressed in statutory text, and [it cannot] be implied.” Lane v. Pena, 518 U.S. 187, 192 (1996) (citations omitted). The Tucker Act gives the United States Court of Federal Claims exclusive jurisdiction

to render judgment upon any claim [exceeding \$10,000] against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

Kidwell v. Dep't of Army, Bd. for Correction of Mil. Recs., 56 F.3d 279, 283 (D.C. Cir. 1995)

(quoting 28 U.S.C. § 1491). Plaintiff's terse complaint is grounded upon an alleged contractual relationship. This and the amount sought deprive this Court of jurisdiction. A separate order of dismissal accompanies this Memorandum Opinion.

_____/s/_____
EMMET G. SULLIVAN
United States District Judge

Date: August 10, 2021