

ORIGINAL

In the United States Court of Federal Claims

No. 13-376C

(Filed: September 27, 2013)

LEVAN A. WALKER,

Plaintiff,

v.

UNITED STATES,

Defendant.

FILED

SEP 27 2013

U.S. COURT OF
FEDERAL CLAIMS

ORDER

Defendant filed a motion to dismiss this action on August 6, 2013. Plaintiff's response was due on September 6, 2013. No response has been filed as of the date of this order. Because it is apparent on the face of the complaint that we lack jurisdiction over the allegations contained in plaintiff's complaint, we need not wait for a response. *See* Rule 12(h) of the Rules of the United States Court of Federal Claims.

Plaintiff's allegations concern investigations of him by the "Niagara County Sheriff Department" and the FBI during which these entities stole "ideas" from plaintiff "over the phone." Compl. 1. He also alleges that either or both of these entities spread false rumors "round Niagara County" concerning plaintiff's career as a rap music artist. Compl. 1. The complaint then lists five wrongs plaintiff believes were perpetrated against him, which may or may not have a connection to the preceding allegations. These alleged wrongs consist of being impersonated in pornographic videos, use of his music on satellite and local radio stations without plaintiff's assent, commercial use of the initials "BP, LW, and LV" on various products, the unauthorized use of his likeness by "the paparazzi," and lastly a video of plaintiff posted on YouTube without his consent. *See* Compl. 1-2. The result of all of this is that plaintiff has been deprived of a successful career as a "Hollywood star." Compl. 2. Plaintiff seeks "three to four quadrillion" dollars. Compl. 2.

The Tucker Act gives this court jurisdiction over claims for money against the federal government based on a regulatory, statutory, or constitutional provision or on a contract with the federal government. 28 U.S.C. § 1491(a)(1) (2012). Most of the wrongs listed in the complaint have no connection to the federal government and thus cannot give rise to a cause of action under the Tucker Act. To the extent that the Federal Bureau of Investigation is implicated by general reference to an investigation, plaintiff has not alleged the violation of a statute, regulation, constitutional provision, or contractual provision mandating that he be paid money. *See United States v. Connolly*, 716 F.2d 882, 885 (Fed. Cir. 1983) (citing *United States v. Mitchell*, 463 U.S. 206 (1983)). We have no jurisdiction over any of the allegations made in plaintiff's complaint.

Accordingly, defendant's motion to dismiss is granted. We also grant plaintiff's motion to proceed *in forma pauperis*. The clerk of court is directed to dismiss the complaint without prejudice for lack of jurisdiction.


ERIC G. BRUGGINK
Judge