

# In the United States Court of Federal Claims

No. 14-143  
(Filed February 19, 2014)

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**TERRY ALLEN JONES,**

Plaintiff,

v.

**THE UNITED STATES,**

Defendant.

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## ORDER OF DISMISSAL

On February 19, 2014, Plaintiff Terry Allen Jones (“Jones”), acting *pro se*, filed this Complaint. Concurrently, Jones filed a motion for leave to proceed *in forma pauperis* (“IFP”). The Court, having considered the Complaint, will dismiss this matter *sua sponte*. The motion for leave to proceed IFP is GRANTED, only to the extent necessary to address the Court’s jurisdiction, and it is otherwise DENIED.

### **I. Standard of Review**

A *pro se* plaintiff’s pleadings are generally held to “less stringent standards” than those of a professional lawyer. *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (requiring that allegations contained in a *pro se* complaint be held to “less stringent standards than formal pleadings drafted by lawyers”); *Forshey v. Principi*, 284 F.3d 1335, 1357 (Fed. Cir. 2002) (*en banc*) (“[T]he pleadings of *pro se* litigants should be held to a lesser standard than those drafted by professional lawyers...”), *superseded by statute on other grounds as stated in Morgan v. Principi*, 327 F.3d 1357, 1359-60 (Fed. Cir. 2003).

However, “[w]hile a court should be receptive to *pro se* plaintiffs and assist them, justice is ill-served when a jurist crosses the line from finder of fact to advocate.” *Demess v. United States*, 52 Fed. Cl. 365, 369 (2002). Moreover, “the leniency afforded to a *pro se* litigant with respect to mere formalities does not relieve the burden to meet jurisdictional requirements.” *Minehan v. United States*, 75 Fed. Cl. 249, 253 (2007) (citing *Kelley v. Sec’y, U.S. Dep’t of Labor*, 812 F.2d 1378, 1380 (Fed. Cir. 1987)).

## II. The Court Lacks Subject Matter Jurisdiction Over Plaintiff's Complaint

Whether a court has jurisdiction is a threshold matter in every case. *See Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94-95 (1998). Although *pro se* pleadings are held to a less stringent standard than those drafted by a lawyer, *Haines*, 404 U.S. at 520, “a court may *not* similarly take a liberal view of . . . jurisdictional requirement[s] and set a different rule for *pro se* litigants only.” *Kelley*, 812 F.3d at 1380 (emphasis added).

This Court's jurisdiction is generally delimited by the Tucker Act, 28 U.S.C. § 1491 (2006). The Tucker Act limits this Court's jurisdiction to monetary claims “*against the United States* founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon and express or implied contract *with the United States*, or for liquidated or unliquidated damages in cases not sounding in tort.” *Id.* at § 1491(a)(1) (emphases added). The Tucker Act itself is only a jurisdictional statute that does not create any independent substantive rights enforceable against the United States for money damages. *See, e.g., United States v. Mitchell*, 463 U.S. 206, 216 (1983); *United States v. Testan*, 424 U.S. 392, 398 (1976) (“[T]he [Tucker] Act merely confers jurisdiction upon [this Court] whenever the substantive right exists.”). Thus, a plaintiff's claim must be for money damages based on a “money-mandating” source of substantive law. *See Jan's Helicopter Serv., Inc. v. FAA*, 525 F.3d 1299, 1309 (Fed. Cir. 2008). If it is not based on a “money-mandating” source of law, a plaintiff's claim lies beyond this Court's jurisdiction. *Metz v. United States*, 466 F.3d 991, 997 (Fed. Cir. 2006).

Whether the Defendant has filed a Motion to Dismiss for lack of subject matter jurisdiction, pursuant to Rule 12(b)(1) of the Rules of the Court of Federal Claims (“RCFC”), or the court proceeds *sua sponte*, the inquiry focuses on the court's “general power to adjudicate in specific areas of substantive law.” *Palmer v. United States*, 168 F.3d 1310, 1313 (Fed. Cir. 1999). In deciding whether to dismiss pursuant to RCFC 12(b)(1), the court is “obligated to assume all factual allegations to be true and to draw all reasonable inferences in [the] plaintiff's favor.” *Heinke v. United States*, 60 F.3d 795, 797 (Fed. Cir. 1995). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” RCFC 12(h)(3).

The Court can make neither heads nor tails of this Complaint. While it directs allegations against many entities, none of them are the United States Government. The Complaint is really nothing more than a diatribe against certain perceived societal ills, none of which can reasonably be read to confer monetary liability against the United States. Without more, this Court lacks jurisdiction to hear Jones's case.

## III. Transfer is Not In the Interest of Justice

Although Plaintiff has not specifically requested a transfer of this case to a district court, the court considers the possibility because Plaintiff is acting *pro se*. In order to transfer a case, the court must determine that (1) it lacks subject matter jurisdiction, (2) the case could have been brought in the transferee court at the time the case was filed,

and (3) that a transfer is “in the interest of justice.” 28 U.S.C. § 1631. Transfer would not be in the interest of justice here because the Court cannot reasonably ascertain one venue which could exercise jurisdiction over all of the allegations in the Complaint.

#### **IV. CONCLUSION**

For the foregoing reasons, the Court finds that Plaintiff’s Complaint must be dismissed for lack of subject matter jurisdiction. As stated, the Plaintiff’s motion for leave to proceed IFP is GRANTED, to the extent necessary to dismiss the Complaint, and is otherwise DENIED. The Clerk of Court is accordingly directed to dismiss Plaintiff’s Complaint without prejudice.

s/ Edward J. Damich \_\_\_\_\_  
EDWARD J. DAMICH  
Judge