

ORIGINAL

In the United States Court of Federal Claims

No. 17-911C

(Filed: July 7, 2017)

FILED

JUL - 7 2017

U.S. COURT OF FEDERAL CLAIMS

ROBERT R. HOLLOWAY, III,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER OF DISMISSAL

On July 5, 2017, pro se Plaintiff Robert R. Holloway, III, filed a complaint in this Court styled as Magnum XL, Inc. v. Harley-Davidson of Greensboro, DBA Harley-Davidson ("Harley Davidson"). It appears that the real party in interest, Magnum XL, Inc., is a corporation that must be represented by counsel under Rule 83.1(a)(1) of the Rules of the Court of Federal Claims (RCFC).

Rule 83.1(a)(3) states in pertinent part:

An individual who is not an attorney may represent oneself or a member of one's immediate family, but may not represent a corporation, an entity, or any other person in any proceeding before this court. The terms counsel, attorney, and attorney of record include such individuals appearing pro se.

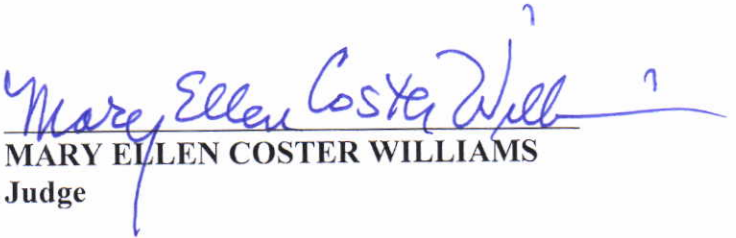
RCFC 83.1(a)(3).

Magnum XL, Inc. is not a natural person and must be represented by counsel. Mr. Robert Holloway filed the complaint on behalf of Magnum XL, Inc. and does not identify himself as an attorney. Rule 41(b) allows the Court to dismiss a case if the plaintiff fails to comply with the Court's rules. RCFC 41(b).

In any event, this Court lacks jurisdiction over an action against Harley Davidson, as the only proper defendant in this Court is the United States. United States v. Sherwood, 312 U.S. 584,

588 (1941); Berdick v. United States, 612 F.2d 533, 536 (Ct. Cl. 1979). As Plaintiff has not named the United States as the Defendant in this action, this Court does not have jurisdiction over Plaintiff's claim.

The Clerk is directed to dismiss Plaintiff's complaint without prejudice. Plaintiff's motion to proceed in forma pauperis is denied as moot.


MARY ELLEN COSTER WILLIAMS
Judge