

ORIGINAL

United States Court of Federal Claims

No. 17-1984 C
Filed: January 12, 2018

CASSANDRA D. METTS et al.,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

FILED

JAN 12 2018

U.S. COURT OF
FEDERAL CLAIMS

ORDER DISMISSING COMPLAINT

Hodges, Senior Judge.

Plaintiffs submitted a complaint pro se containing various criminal allegations, including property damage and mail theft. They have applied to proceed *in forma pauperis*. None of plaintiffs' allegations fall within the jurisdiction of this court; we must dismiss their Complaint without further action by the parties.

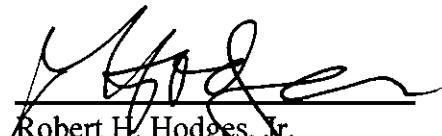
Plaintiffs ask that we fine or jail an individual whom they allege has been guilty of criminal actions for "constant mail stealing and damaging of property." They cite two criminal statutes from the state of Maryland for support.

The primary jurisdictional statute in the United States Court of Federal Claims is the Tucker Act, 28 U.S.C. § 1491(a)(1). That statute generally limits our jurisdiction to suits against the United States for money presently due. Monetary relief may be granted only if such relief is expressly authorized by a separate statute or contract. *United States v. Testan*, 424 U.S. 392, 400 (1976). We know of no statute or other legislative provision affording monetary relief for plaintiffs' alleged violations of state criminal laws.

In addition, plaintiffs allege a violation of their First Amendment constitutional rights. With respect to this claim, the Complaint fails pursuant to Rule 12(b)(6) of this court. The Tucker Act grants this court jurisdiction to "render judgment upon any claim against the United States founded ... upon the Constitution." However, this statute merely provides a jurisdictional basis to proceed in this court. *Testan*, 424 U.S. at 400. We know of no statute or other provision affording monetary relief for plaintiffs' claimed violation of the Constitution, and plaintiffs have cited none.

The Clerk of Court will DISMISS plaintiffs' Complaint for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. Plaintiffs' request to proceed *in forma pauperis* is moot and therefore DENIED.

IT IS SO ORDERED.



Robert H. Hodges, Jr.
Senior Judge