

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

HARRY POLLINGER,

Plaintiff,

vs.

Case No: 3:07cv13/RV/MD

INTERNAL REVENUE SERVICE
OVERSIGHT BOARD, et al.,

Defendants.

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ORDER

This cause is back before the court upon remand by the Eleventh Circuit Court of Appeals for entry of an order dismissing for lack of subject matter jurisdiction the plaintiff's constitutional claims to the extent that he sought money damages. See, e.g., McMahon v. Presidential Airways, Inc., 502 F.3d 1331, 1345 (11th Cir. 2007) (recognizing that claim against United States for damages arising out of violation of constitutional rights is barred by doctrine of sovereign immunity); Boda v. United States, 698 F.2d 1174, 1176 (11th Cir. 1983) (same).

Pursuant to the Eleventh Circuit mandate issued on March 15, 2010, and consistent with the above-cited authority, the plaintiff's constitutional claims are hereby DISMISSED for lack of jurisdiction based on sovereign immunity. The Clerk is directed to close this case.

DONE and ORDERED this 19th day of March, 2010.

/s/ Roger Vinson
ROGER VINSON
Senior United States District Judge