

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

JAMES SAMUEL FELKNOR
(SANCTION/BARRED)

CIVIL ACTION 3:10CV1399

VERSUS

JUDGE ROBERT G. JAMES

USA, ET AL

MAG. JUDGE KAREN L. HAYES

ORDER

Before the Court is a new civil rights complaint filed on September 8, 2010, by pro se plaintiff James Samuel Felknor (“Plaintiff”) against the United States of America, the Department of Veterans Affairs, and the Overton Brooks VA Medical Center. This is Plaintiff’s eighth civil rights complaint filed in the last few months. In Civil Action No. 10-1020, Plaintiff was advised in the Judgment dated July 13, 2010, that “the Clerk of Court [shall] decline to file any civil complaint submitted by James Samuel Felknor unless the complaint has first been presented to a district judge of this court and the judge has specifically authorized in writing that the complaint may be filed.”

Plaintiff files this current Complaint contesting the denial of his veterans benefits. Plaintiff makes vague references in his Complaint as to the reasons for the denial of his benefits. Plaintiff attaches a letter from the Department of Veteran Affairs, dated September 7, 2010, showing the denial of reimbursement for medical travel because “Patient’s income exceeds amount allowable for travel expenses.” Plaintiff also attaches a copy of the appeal process.

Under 38 U.S.C. §511(a), federal courts lack the authority to review Veteran Administration decisions regarding individual benefit claims. Review of the denial of benefits rests with the Department of Veterans Affairs and their appeal process. This Court therefore lacks subject matter jurisdiction to review Plaintiff’s Complaint.

As no district judge has authorized the filing of Plaintiff's Complaint, and the Court does not have subject matter jurisdiction over Plaintiff's claims, the Court finds it appropriate to dismiss Plaintiff's Complaint.

ACCORDINGLY,

IT IS ORDERED that the Complaint filed by Plaintiff is **DISMISSED**.

MONROE, LOUISIANA, this 6th day of October, 2010.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE