



it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact.<sup>3</sup> *Neitzke v. Williams*, 490 U.S. 319 (1989); *Hill v. Lappin*, 630 F.3d 468, 470 (6th Cir. 2010).

As a threshold matter, appeals seeking judicial review of CBCA decisions must be brought in the United States Court of Appeals for the Federal Circuit. *See*, 41 U.S.C. § 7107. Further, it is a jurisdictional prerequisite to a federal lawsuit that a claimant who seeks recovery based on tort from the United States must first file an administrative claim under the Federal Tort Claims Act (“FTCA”). *Rogers v. United States*, 675 F.2d 123, 124 (6<sup>th</sup> Cir. 1982). As there is no allegation plaintiff presented an administrative claim to the appropriate federal agency, his slander claim is fatally deficient. *Altman v. Connally*, 456 F.2d 1114, 1116 (2d Cir. 1972). Finally, plaintiff’s contract claim for money damages against the United States is in excess of \$10,000.00. Exclusive jurisdiction therefore rests with the United States Court of Claims. *See* 28 U.S.C. §§ 1346(a) and 1491(a); *Matthews v. United States*, 810 F.2d 109, 111 (6th Cir.1987).

Accordingly, the request to proceed *in forma pauperis* is granted, and plaintiff’s claims for judicial review and slander are dismissed without prejudice under section 1915(e). Plaintiff’s damages claim for breach of contract is hereby transferred to the United States Court of Claims. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

October 8, 2014

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<sup>3</sup> An *in forma pauperis* claim may be dismissed *sua sponte*, without prior notice to the plaintiff and without service of process on the defendant, if the court explicitly states that it is invoking section 1915(e) [formerly 28 U.S.C. § 1915(d)] and is dismissing the claim for one of the reasons set forth in the statute. *Chase Manhattan Mortg. Corp. v. Smith*, 507 F.3d 910, 915 (6<sup>th</sup> Cir. 2007); *Gibson v. R.G. Smith Co.*, 915 F.2d 260, 261 (6<sup>th</sup> Cir. 1990); *Harris v. Johnson*, 784 F.2d 222, 224 (6th Cir. 1986).