

In the United States Court of Federal Claims

Case No. 05-732C
(Filed: January 6, 2006)

ANDRE J. HOWARD,
Plaintiff,

v.

THE UNITED STATES OF AMERICA,
Defendant.

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ORDER

On November 10, 2005, this Court ordered the Plaintiff to show cause why his Complaint should not be dismissed for lack of subject matter jurisdiction. The Order was a response to the Defendant's Motion for Summary Dismissal, filed before the Court had scheduled a joint preliminary status conference. Mr. Howard filed his response to the Court's Order on January 3, 2006.

The Court's November 10 show cause Order is attached to this Order and incorporated herein by reference. As with his prior filings, Mr. Howard's response to the show cause Order does not allege facts to support a claim cognizable in the Court of Federal Claims, nor does it point to a money-mandating statute, regulation, or Constitutional provision giving him a substantive claim for money damages against the United States.

The only new feature of Mr. Howard's most recent filing is a reference to the taking clause of the Fifth Amendment to the U.S. Constitution, which states in relevant part, "nor shall private property be taken for public use, without just compensation." U.S. Const. amend V. Although the taking clause is a money-mandating Constitutional provision conferring jurisdiction on this Court, *Murray v. United States*, 817 F.2d 1580, 1583 (Fed. Cir. 1987), Mr. Howard has not alleged any facts that implicate the taking clause. His filed documents challenge the impropriety of various judges in general, but not with respect to any stated property. For example, he repeatedly accuses federal judges of racial bias and violations of due process. He has not stated a cognizable taking claim pursuant to the Fifth Amendment.

For all of the reasons stated in our show cause Order and this Order, we dismiss Mr. Howard's claim for relief.

Accordingly, the Defendant's Motion for Summary Dismissal is GRANTED, and Mr. Howard's Complaint is hereby DISMISSED for lack of subject matter jurisdiction. The Clerk of the Court is directed to enter judgment for the Defendant. Each party is to bear its own costs.

IT IS SO ORDERED.

/s/ Lawrence M. Baskir
LAWRENCE M. BASKIR
Judge