

In the United States Court of Federal Claims

No. 05-195C
(Filed: May 6, 2005)

KAREN MARIE HANDY,
A.K.A. AALIYAH AL-AZIZ

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

Pending is defendant's motion under RCFC 12(b)(1) to dismiss for lack of standing and for lack of subject matter jurisdiction, as well as under RCFC 12(b)(6) for failure to state a claim. For the reasons stated below, the motion is granted pursuant to RCFC 12(b)(1).

The complaint asserts a number of causes of action. Count I ("Copyright") states: "[A]ll materials and written works containing any biblical, historical and religious relevance" and "[a]ny mentioning of my name" are "the sole property and ownership of God . . . [and] should have been copyrighted to God." Count II ("Patent") states: "Any patent taken on any goods, services, products with respect to any representation of God, her deity, character, symbol, and any historical person has been blatantly disregarded as to ownership by God only. . . . [and] should have and be reserved for my approval only." Count III ("Taking Personal Property") arguably asserts a Fifth Amendment takings claim: "All property contained within the limits of the Earth, its space and such are the sole ownership of God." Counts IV and V ("Miscellaneous Damages") appear to allege further takings claims, violations of the free exercise clause of the First Amendment, and other constitutional violations.

The common denominator in the first three counts, as well as the takings component of Count IV, is that God's rights in various property interests have been injured in some way. Plaintiff lacks standing to bring such claims, however. Standing is a threshold jurisdictional issue. *See Fieldturf, Inc. v. Southwest Recreational Indus. Inc.*, 357 F.3d 1266, 1268 (Fed. Cir. 2004). To establish standing, plaintiff must have suffered an "injury in fact"—an invasion of a legally protected interest which is concrete and particularized, and not conjectural or hypothetical. *Lujan v. Defenders of Wildlife*, 504 U.S. 559, 560-61 (1992). It is clear from plaintiff's complaint, however, that she does not claim to have suffered an "injury in fact" for herself, but on behalf of a third party—God. It should be noted that plaintiff attempted to cure this defect. In a document dated April 6, 2005, which the court treated as a response to defendant's motion, plaintiff states: "To make the following statement very clear to you, I am God, Allah, as stated before, I will not tolerate being referenced to as anyone other than that." This mere allegation, however, is insufficient to satisfy standing requirements. Further, weighing any evidence pertaining to the truth of this statement would involve a nonjusticiable matter. Dismissal is appropriate, especially where it is unlikely that the plaintiff will be able to cure the problem. *See Fieldturf*, 357 F.3d at 1269.

The various other constitutional claims contained in Counts IV and V are also beyond this court's jurisdiction. *See United States v. Mitchell*, 463 U.S. 206, 218 (1983) (holding that this court's jurisdiction is limited to cases in which the Constitution or a federal statute mandates the payment of money).

The Clerk is directed to dismiss the complaint for lack of jurisdiction. No costs.

ERIC G. BRUGGINK,
Judge.