

No. 06-110 C

(Filed April 13, 2006)

UNPUBLISHED

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CRAWFORD, CURTIS E.,	*	
	*	
<i>Plaintiff,</i>	*	RCFC 59(a)(1)
	*	
v.	*	
	*	
THE UNITED STATES,	*	
	*	
<i>Defendant.</i>	*	
* * * * *	*	

Curtis E. Crawford, pro se.

OPINION

BUSH, Judge

Plaintiff filed his *pro se* complaint on February 13, 2006. The United States had not entered an appearance in this suit before the court dismissed the subject matter on March 1, 2006 for lack of jurisdiction. Plaintiff filed a motion for reconsideration and a motion for appointment of counsel on March 10, 2006. For the reasons given below, plaintiff's motion for reconsideration is denied and plaintiff's motion for appointment of counsel is denied as moot.

DISCUSSION¹

I. Standard of Review

Pursuant to the Rules of the United States Court of Federal Claims (RCFC), a party may be granted reconsideration of the court's disposition of a case "for any of the reasons established by the rules of common law or equity." RCFC 59(a)(1). "The decision whether to grant reconsideration lies largely within the discretion of the [trial] court." *Yuba Natural Res., Inc. v. United States*, 904 F.2d 1577, 1583 (Fed. Cir. 1990) (citations omitted). "For a movant to prevail, he must point to a manifest error of law or mistake of fact." *Pikeville Coal Co. v. United States*, 37 Fed. Cl. 304, 313 (1997) (citation omitted).

II. Plaintiff's Argument Concerning Jurisdiction

Plaintiff suggests that the issue of this court's jurisdiction over his claims was decided differently by two federal courts. Mr. Crawford cites two matters he had before Judge Rebecca Beach Smith of the United States District Court for the Eastern District of Virginia and asserts that he has "paraphrased" her rulings in those cases in his argument in support of his motion for reconsideration.² Pl.'s Mot. at 2. In the words of Mr. Crawford, Judge Smith "ruled that 'tort claim' in which inmate had exhausted tort claim remedy for monetary damages filed under 42 U.S.C. § 1983 or Bivens claim (403 U.S. 388 (1971)[]) and administrative prison remedy that these cases must be filed in United States Court of Federal Claims." *Id.* Plaintiff also asserts that Judge Smith "directed plaintiff to file all future tort claim cases in United States Court of Federal Claims that are 42 U.S.C. § 1983 if tort claimant has exhausted all tort claim remedy." *Id.* Plaintiff argues that the "conflicting ruling[s from the District Court and this court] appropriately should reinstate [this] case for trial." *Id.* at 3.

^{1/} Because plaintiff's argument regarding this court's jurisdiction relies solely on an erroneous interpretation of another court's denial of a motion to transfer his claims to this court, the court will not repeat the background facts of this matter that were presented in its March 1, 2006 opinion and order.

^{2/} Plaintiff did not attach copies of the orders in those cases and asserts that "Judge Smith has refused to give me (plaintiff) copies of court order[s] to present to this court." Pl.'s Mot. at 2.

III. Analysis

The court obtained copies of Judge Smith's orders in *Crawford v. Simmons*, No. 2:04cv307 (E.D. Va. Jan. 18, 2006 & Mar. 1, 2006) and *Crawford v. Smith*, No. 2:03cv884 (E.D. Va. Jan. 18, 2006 & Mar. 1, 2006), the cases cited by plaintiff as presenting a conflict with this court's jurisdictional decision on March 1, 2006.³ The orders of Judge Smith contain no ruling on the jurisdiction of the United States Court of Federal Claims for the claims asserted by plaintiff here. Instead, the order of January 18, 2006 simply denies a motion to transfer two cases which had already been closed. Similarly, the order of March 1, 2006 declines to re-open those cases for the purposes of transfer.

Judge Smith's comments in the January 18, 2006 order filed in those cases neither direct plaintiff to file any claims in this court nor suggest that his claims are within this court's jurisdiction:

Plaintiff seeks an order transferring these cases to the "Federal Tort Court in Washington, D.C.," by which plaintiff presumably means the United States Court of Federal Claims. . . . If plaintiff believes that he has a cause of action that is appropriately filed in the United States Court of Federal Claims, he may file a new action in that court.

There is no "Federal Tort Court in Washington, D.C." and therefore, Judge Smith presumed that plaintiff must have been referring to this court. The March 1, 2006 order filed in those cases simply repeats the comment that "[i]f plaintiff believes that he has a cause of action that is appropriately filed in the United States Court of Federal Claims, he may file a new action in that court." These orders simply note that plaintiff has the right to file a non-frivolous action in a federal court and make no pretension of advising plaintiff that the United States Court of Federal Claims is the proper forum for his claims. Aside from the inaccurate paraphrase of the comments of Judge Smith, plaintiff offers no other assertion or argument concerning the jurisdiction of this court.

³/ Copies of these orders are attached hereto.

“All federal courts are courts of limited jurisdiction, and it is the duty of a federal court to examine its jurisdiction over every claim before it assumes jurisdiction over the claim.” *RHI Holdings, Inc. v. United States*, 142 F.3d 1459, 1461 (Fed. Cir. 1998) (citation omitted). Plaintiff has failed to establish that the court’s dismissal of his claims for lack of jurisdiction was incorrect. This court does not have jurisdiction over plaintiff’s claims in the subject matter, as explained in its March 1, 2006 opinion. Thus, plaintiff’s motion for reconsideration must be denied.

CONCLUSION

For the foregoing reasons, it is hereby **ORDERED** that:

- (1) Plaintiff’s motion for reconsideration, filed March 10, 2006, is **DENIED**; and
- (2) Plaintiff’s motion for appointment of counsel is **DENIED** as moot.

s/Lynn J. Bush

Lynn J. Bush

Judge