

In the United States Court of Federal Claims

No. 11-475

(Filed: August 15, 2011)

NOT FOR PUBLICATION

SHANNON RAY MASON,)
)
Plaintiff,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)

Shannon Ray Mason, Boaz, Alabama, plaintiff *pro se*.

Courtney Sheehan McNamara, Trial Attorney, Kenneth M. Dintzer, Assistant Director, Jeanne E. Davidson, Director, Commercial Litigation Branch, Civil Division, Tony West, Assistant Attorney General, Department of Justice, Washington, D.C., for defendant.

OPINION AND ORDER

GEORGE W. MILLER, Judge

Plaintiff filed a complaint against the County of Etowah, Alabama; William H. Rhea, Circuit Judge; Billy Yates, Circuit Clerk; and Annie J. Dike, Court Agent (docket entry 1, July 21, 2011).¹ Plaintiff alleges, among other things, an “act of treason” and several claims based on the federal Bill of Rights. Compl. at 3-4.

Subject matter jurisdiction “must be established as a threshold matter before the court may proceed with the merits of this or any other action.” *OTI Am., Inc. v. United States*, 68 Fed. Cl. 108, 113 (2005) (citing *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 88-89 (1998)). Plaintiffs bear the burden of demonstrating that the court has jurisdiction over their claims.

¹ The official caption of the case (which appears above) was supplied by the office of the Clerk of Court pursuant to Rule 10(a) of the Rules of the United States Court of Federal Claims (“RCFC”), which states that “[t]he title of the complaint must name all the parties . . . with the United States designated as the party defendant.”

Along with his complaint, plaintiff filed an application to proceed *in forma pauperis* (docket entry 3, July 21, 2011). To the extent necessary to permit resolution of this Court’s subject matter jurisdiction, plaintiff’s application to proceed *in forma pauperis* is **GRANTED**.

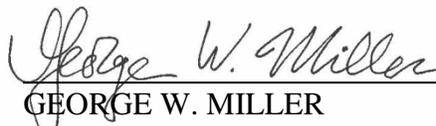
Biddulph v. United States, 74 Fed. Cl. 765, 767 (2006). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” RCFC 12(h)(3).²

Under the Tucker Act, 28 U.S.C. § 1491, the Court’s subject matter jurisdiction extends only to suits “against the United States.” 28 U.S.C. § 1491(a)(1) (2006). Thus, “[w]hen a plaintiff’s complaint names private parties, or local, county, or state agencies, rather than federal agencies, this court has no jurisdiction to hear those allegations.” *Moore v. Pub. Defenders Office*, 76 Fed. Cl. 617, 620 (2007).

In this case, plaintiff does not name the United States as a defendant and asserts no claims against the United States or any of its agencies. Instead plaintiff asserts constitutional claims against the County of Etowah, officials of the Alabama Circuit Court, and Ms. Dike, counsel for a party adverse to plaintiff in the Circuit Court of Etowah County.³ See Compl. at 1-5. Because plaintiff does not allege a claim against the United States, this Court does not have subject matter jurisdiction over his claims.⁴

In view of the foregoing, the Court hereby **ORDERS** that the case is **DISMISSED** for lack of subject matter jurisdiction.

IT IS SO ORDERED.


GEORGE W. MILLER
Judge

² *Pro se* plaintiffs are entitled to liberal construction of their pleadings, *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972), which will be interpreted in the light most favorable to plaintiffs. *Baker v. United States*, 74 Fed. Cl. 421, 421 (2006). However, like all plaintiffs, *pro se* plaintiffs must meet jurisdictional requirements for the court to hear their cases. *Biddulph*, 74 Fed. Cl. at 767.

³ Plaintiff names “The United States County of Etowah” as one of the defendants. Compl. at 1. Even were that language construed to name the “United States” as a separate defendant from “County of Etowah,” plaintiff nonetheless fails to allege any claims against the United States, see Compl. at 1-5, thereby precluding the Court’s subject matter jurisdiction over this action.

⁴ When the Court lacks jurisdiction over a particular action, it has the authority to transfer that action to a court “in which the action . . . could have been brought at the time it was filed,” but only if such transfer “is in the interest of justice.” 28 U.S.C. § 1631 (2006); accord *Tex. Peanut Farmers v. United States*, 409 F.3d 1370, 1375 (Fed. Cir. 2005). It is not in the interest of justice to transfer claims that are “unlikely to be meritorious in another court of the United States.” *Phang v. United States*, 87 Fed. Cl. 321, 330 (2009). In this case, plaintiff alleges only vague and conclusory constitutional claims against an Alabama Circuit Court judge and other officials of that court, many or all of whom may enjoy absolute immunity from suit. See *Washington v. Rehnquist*, 146 F. App’x 483, 483-84 (Fed. Cir. 2005) (recognizing that judges enjoy absolute immunity from suit for acts in their judicial capacity and declining for that reason to transfer a case involving judge-defendants). The Court therefore concludes that it is not in the interest of justice to transfer this action to another court.