In the United States Court of Federal Claims

NOT FOR PUBLICATION
No. 08-099C
(Filed: March 6, 2008)

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STANLEY R. SILER,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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ORDER DISMISSING CASE FOR LACK OF SUBJECT MATTER JURISDICTION

Pending before the court is pro se plaintiff Stanley R. Siler's ("plaintiff" or "Siler") complaint filed February 21, 2008. Though Mr. Siler's complaint is not entirely clear, it apparently alleges, among other things, that the defendant United States ("defendant" or "government"), through the United States Courts ("Courts"), has damaged Mr. Siler's trademark and copyright. Compl. at 4. Mr. Siler contends that he owns the trademark to the phrase "StanTheMan" and that the Courts have damaged his trademark through "breach of duty, breach of trust, with fraudulent intent, done through negligence, including unfair trade practices." Id. Mr. Siler has filed at least forty-three other "directly related cases" in various state and federal courts, including three prior cases in this court. See Siler v. United States, No. 05-926 (dismissed Sept. 1, 2005), aff'd, No. 05-1570 (Fed. Cir. Apr. 10, 2006); Siler v. United States, No. 98-437 (dismissed July 13, 1998), aff'd, No. 98-5148 (Fed. Cir. Jan. 4, 1999); Siler v. United States, No. 94-359 (dismissed Oct. 18, 1994), aff'd, No. 95-5020 (Fed. Cir. May 2, 1995). Mr. Siler contends that the Courts have dismissed his claims unfairly, will not rule on any motions filed by him, and, "in negligence, clearly avoided legal duties, caused irreparable damages, due to default." Compl. at 1-2. Mr. Siler asks that the Courts be enjoined during the pendency of this action, and seeks monetary damages of $5,000,000.00 to

account for any gains and profits the Courts have derived as a result of damaging Mr. Siler's trademark and copyright. Compl. at 5.

Because Mr. Siler is proceeding pro se, he is entitled to a liberal construction of his pleadings. See, e.g., Hughes v. Rowe, 449 U.S. 5, 9 (1980) (holding that pro se complaints should be held to "less stringent standards than formal pleadings drafted by lawyers" (quoting Haines v. Kerner, 404 U.S. 519, 520 (1972)); McSheffrey v. United States, 58 Fed. Cl. 21, 25 (2003). However, a pro se plaintiff must still satisfy the court's jurisdictional requirements. Bernard v. United States, 59 Fed. Cl. 497, 499 (2004) ("This latitude, however, does not relieve a pro se plaintiff from meeting jurisdictional requirements."), aff'd, 98 Fed. Appx. 860 (Fed. Cir. 2004), reh'g denied, 48 Fed. Appx. 860 (Fed. Cir. 2004).

Indeed, the court "may and should raise the question of its jurisdiction sua sponte at any time it appears in doubt." Calhoun v. United States, 98 Fed. Appx. 840, 842 (Fed. Cir. 2004) (quoting Arctic Corner, Inc. v. United States, 845 F.2d 999, 1000 (Fed. Cir. 1988)); see also John R. Sand & Gravel Co. v. United States, 128 S.Ct. 750, 753 (2007). "[C]ourts must always look to their jurisdiction, whether the parties raise the issue or not." View Eng'g Inc. v. Robotic Vision Sys., Inc., 115 F.3d 962, 963 (Fed. Cir. 1997). Rule 12(h)(3) of the Rules of the United States Court of Federal Claims ("RCFC") requires that "[w]henever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action." Under RCFC 8(a)(1), a complaint must contain "a short and plain statement of the grounds upon which the court's jurisdiction depends." "Determination of jurisdiction starts with the complaint, which must be well-pleaded in that it must state the necessary elements of the plaintiff's claim, independent of any defense that may be interposed." Holley v. United States, 124 F.3d 1462, 1465 (Fed. Cir. 1997).

The Court of Federal Claims is a court of limited jurisdiction, Jentoft v. United States, 450 F.3d 1342, 1349 (Fed. Cir. 2006) (citing United States v. King, 395 U.S. 1, 3 (1969)), and under the Tucker Act, 28 U.S.C. § 1491 (2000), may "render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort." 28 U.S.C. § 1491(a)(1). However, the Tucker Act simply confers jurisdiction on this court; a plaintiff must also identify a separate money-mandating statute upon which to base a claim for damages. See Todd v. United States, 386 F.3d 1091, 1094 (Fed. Cir. 2004); Tippett v. United States, 185 F.3d 1250, 1254 (Fed. Cir. 1999) ("[T]he plaintiff must assert a claim under a separate money-mandating constitutional provision, statute, or regulation, the violation of which supports a claim for

damages against the United States." (quoting James v. Caldera, 159 F.3d 573, 580 (Fed. Cir. 1998))). In determining jurisdiction, this court must ask "only whether the plaintiff is within the class of plaintiffs entitled to recover under the statute if the elements of a cause of action are established." Greenlee County v. United States, 487 F.3d 871, 876 (Fed. Cir. 2007); see also Brodowy v. United States, 482 F.3d 1370, 1375 (Fed. Cir. 2007) ("Where plaintiffs have invoked a money-mandating statute and have made a non-frivolous assertion that they are entitled to relief under the statute, we have held that the Court of Federal Claims has subject-matter jurisdiction over the case.").

As outlined above, in order to establish jurisdiction under the Tucker Act, the plaintiff must identify a money-mandating statute that supports a claim for damages against the United States. Mr. Siler, in his complaint, does not identify a specific money-mandating statute upon which to base a claim for damages against the Courts. Instead, Mr. Siler appears to contend that the Courts have violated his copyright and trademark because the Courts have dismissed his claims or denied motions he has filed related to his various claims. Mr. Siler does not specifically allege that the Courts have directly infringed upon his copyright or trademark, but instead appears to assert that the Courts' actions regarding his various claims have caused him to suffer damages related to his trademark and copyright. To the extent that Mr. Siler seeks review of the decisions of the various federal and state courts in which he has filed complaints, including the Supreme Court of Oregon, the United States District Court for the District of Oregon, the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Federal Circuit, and the Supreme Court of the United States, this court does not have jurisdiction over the plaintiff's claim. The Court of Federal Claims does not have jurisdiction to review the decisions of state courts, federal district courts, federal circuit courts, or the United States Supreme Court. See Joshua v. United States, 17 F.3d 378, 380 (Fed. Cir. 1994); Hammitt v. United States, 69 Fed. Cl. 165, 168 (2005). The appropriate procedure for Mr. Siler to seek review of other courts' decisions is through the appellate process of each court. Accordingly, this court lacks jurisdiction over Mr. Siler's claim, and his complaint must be dismissed.[1]

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[1]To the extent that Mr. Siler is alleging that the government has directly infringed upon his trademark or copyright in any way, this court must dismiss his complaint pursuant to RCFC 12(b)(6) for failure to state a claim upon which relief could be granted. A pro se plaintiff's complaint may be dismissed for failure to state a claim if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Fullard v. United States, 77 Fed. Cl. 226, 228 (2007) (quoting Haines v. Kerner, 404 U.S. 519, 520-21 (1972)); see also Constant v. United States, 929 F.2d 654, 657 (Fed. Cir. 1991) ("Nor is due process violated by a dismissal, even sua sponte, for failure to state a claim."). In his complaint, Mr. Siler alludes to the possibility that the United States, through the Courts, has

For all of the foregoing reasons, the plaintiff's complaint is **DISMISSED** for lack of subject matter jurisdiction. The Clerk of the Court is directed to enter judgment accordingly.[2]

IT IS SO ORDERED.

s/Nancy B. Firestone
NANCY B. FIRESTONE
Judge

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directly infringed upon his copyright and trademark. To demonstrate that the government is liable for copyright infringement, a plaintiff must prove, under 28 U.S.C. § 1498(b) (1999), "that there is direct appropriation of the copyright by the United States or by a person acting on behalf of the United States." Boyle v. United States, 44 Fed. Cl. 60, 62 (1999). Mr. Siler has not alleged any facts that could demonstrate that the government has directly appropriated his copyright. Furthermore, the government cannot be held liable for inducing or allowing others to infringe a copyright. Id. at 63 ("Activities of the Government which fall short of direct infringement do not give rise to governmental liability because the Government has not waived its sovereign immunity with respect to such activities. Hence, the Government is not liable for inducing infringement by others, for its conduct contributory to infringement of others, or for what, but for section 1498, would be contributory (rather than direct) infringement of its suppliers." (quoting Decca Ltd. v. United States, 225 Ct. Cl. 326, 335-36, 640 F.2d 1156, 1167 (1980))). Accordingly, to the extent that Mr. Siler seeks compensation from the government for the direct infringement of his copyright, he has not alleged any facts in support of his claim which would entitle him to relief, and his complaint must be dismissed for failure to state a claim pursuant to RCFC 12(b)(6).

[2]Mr. Siler has also filed a motion with the court to proceed in forma pauperis. For the limited purpose of filing his complaint, the plaintiff's motion is **GRANTED**.