

# United States Court of Federal Claims

No. 09-118 T  
March 12, 2009  
UNPUBLISHED

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**MARIA L. PEREIRA,**

*Plaintiff,*

v.

**UNITED STATES OF AMERICA,**

*Defendant.*

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*Maria L. Pereira, pro se.*

## **OPINION and ORDER**

**Block, Judge.**

### **I. INTRODUCTION**

*Pro se* plaintiff, Maria Lurdes Pereira, appears to have a dispute with both her former employer, Bessemer Trust Company (“the Trust”) and the Mayor of New York.<sup>1</sup> Compl. at 1. Because this court does not have subject matter jurisdiction over suits against private parties or state officials, plaintiff’s complaint is dismissed.

### **II. FACTUAL BACKGROUND**

On July 23, 1999, plaintiff filed a complaint with the New York State Division of Human Rights (“the Division”) alleging that the Trust engaged in “unlawful discriminatory practices relating to employment, because of Disability in violation of the Human Rights Law of the State of New York.” *Id.* at 3. The Division determined that it lacked jurisdiction because plaintiff was employed as a “Domestic Servant.” *Id.*

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<sup>1</sup> Plaintiff requests to proceed *in forma pauperis*. The court grants plaintiff’s request for the limited purposes of filing her complaint.

On February 25, 2009, plaintiff filed a one-page complaint in this court stating that, since 2000, she has been “dealing with Bessemer Trust Company . . . to resolve all situation[s].” *Id.* at 1. Plaintiff also states that she “could prove that [she] was a Bessemer Trust Company employee.” *Id.* Finally, plaintiff alleges that “5 billion dollars [is] still in control of [the] New York Mayor.” *Id.* Plaintiff makes no allegation against the United States.

### III. DISCUSSION

The Tucker Act principally defines this court’s jurisdiction and provides, in pertinent part:

The United States Court of Federal Claims shall have jurisdiction to 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) (emphases added). In other words, the jurisdiction of this court is limited to claims against the United States. *See Brown v. United States*, 105 F.3d 621, 624 (Fed. Cir. 1997) (“The Tucker Act grants the Court of Federal Claims jurisdiction over claims against the United States, not against individual federal officials.”); *Moore v. Pub. Defenders Office*, 76 Fed. Cl. 617, 620 (2007) (“When 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.”); *see also United States v. Sherwood*, 312 U.S. 584, 588 (1941) (stating that if “the relief sought is against others than the United States the suit as to them must be ignored as beyond the jurisdiction” of our predecessor court, the Court of Claims).

While pleadings by *pro se* plaintiffs are held to “less stringent standards than formal pleadings drafted by lawyers,” *Haines v. Kerner*, 404 U.S. 519, 520 (1972), “they are not exempt from meeting [the Tucker Act’s] jurisdictional requirements.” *Lester v. United States*, No. 08-332C, 2009 WL 416287, at \*2 (Fed. Cl. Feb. 17, 2009) (citing *Kelley v. Sec’y Dep’t of Labor*, 812 F.2d 1378, 1380 (Fed. Cir. 1987)). Thus, when a plaintiff plainly fails to assert a claim within the court’s subject matter jurisdiction, the court may directly dismiss the complaint *sua sponte*. *See, e.g., Martinez v. United States*, 281 F.3d 1376, 1380, 1384 (Fed. Cir. 2002) (affirming dismissal when defendant moved to dismiss counts I and III and the trial court, *sua sponte*, dismissed count II); *Sanders v. United States*, 252 F.3d 1329, 1331 (Fed. Cir. 2001) (affirming the *sua sponte* dismissal of a complaint for lack of subject matter jurisdiction after plaintiff filed its complaint but before plaintiff had an opportunity to be heard on jurisdiction); *Sanders v. United States*, No. 00-528C (Fed. Cl. Oct. 10, 2000) (dismissing complaint).

Because plaintiff makes no allegation against the United States, instead naming the Trust and the Mayor of New York, plaintiff’s complaint is not within the subject matter jurisdiction of this court.

#### **IV. CONCLUSION**

Accordingly, it is **ORDERED** that plaintiff's COMPLAINT BE DISMISSED. The Clerk is directed to take the necessary steps to dismiss this matter. NO COSTS.

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**Lawrence J. Block**  
**Judge**