

ORIGINAL

In the United States Court of Federal Claims

Pro Se

TORNELLO F. PIERCE EL-BEY,
Plaintiff,
v.
THE UNITED STATES OF AMERICA,
Defendant.

No. 18-958C
(Filed: September 7, 2018)

FILED
SEP -7 2018
U.S. COURT OF
FEDERAL CLAIMS

ORDER

On June 29, 2018, Plaintiff Tornello F. Pierce El-Bey, proceeding pro se, filed a complaint using the standard form provided by the Court of Federal Claims. Docket No. 1. In it, Plaintiff referred to an attached "Communication" as providing the facts and allegations forming the basis of his complaint. That communication, entitled "Communication of Facts for Qui Tam," is almost entirely incomprehensible. The Court is not able to discern any allegations whatsoever against the federal government. At most, the complaint makes allegations regarding a foreclosure pursued by a private bank and related individuals. The United States, however, is the only proper defendant in this court, and complaints against all others are beyond the jurisdiction of the Court of Federal Claims. United States v. Sherwood, 312 U.S. 584, 588 (1941). Moreover, the plaintiff bears the burden of establishing subject matter jurisdiction, and an unintelligible complaint fails to do so. See Moore v. United States, 52 F.3d 344 (Table), 1995 WL 216952, at *1 (Fed. Cir. Apr. 4, 1995) (per curiam); Reynolds v. Army & Air Force Exch. Serv., 846 F.2d 746, 748 (Fed. Cir. 1988). Accordingly, the government's motion to dismiss (Docket No. 5) is GRANTED and the complaint is DISMISSED without prejudice for lack of subject matter jurisdiction.1 The Clerk is directed to enter judgment accordingly. Each side shall bear its own costs.

IT IS SO ORDERED.

[Handwritten signature]

ELAINE D. KAPLAN
Judge

1 Although Plaintiff has not yet filed a response to the government's motion to dismiss and the deadline for doing so has not passed, because it is clear that the Court lacks subject matter jurisdiction, waiting for a response is unnecessary as the response would be futile.