

United States Court of Federal Claims

No. 11-330C

Filed January 5, 2012

UNPUBLISHED

BENJAMIN CUNNINGHAM,

Plaintiff,

v.

Subject-matter jurisdiction; *pro se*.

UNITED STATES OF AMERICA,

Defendant.

Benjamin Cunningham, pro se.

Steven M. Mager, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, for defendant.

OPINION *and* ORDER

Block, Judge.

The court dismissed plaintiff's *pro se* complaint in an order dated November 16, 2011. In that order, the court, because of plaintiff's *pro se* status, thoroughly explained why it lacked subject-matter jurisdiction over plaintiff's claims. On December 21, 2011, plaintiff filed a document titled "Notice of Re-argument Motion Seeking Summary Judgment Against Defendants Due to Proper Jurisdiction." The document, liberally construed, appears to be a motion for reconsideration of this court's November 16, 2011 dismissal. *See* RCFC 60(b). The basis of plaintiff's motion is 18 U.S.C. § 4, which provides that

[w]hoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

By filing a motion with the court, plaintiff has not given the court or the undersigned judge "knowledge of the actual commission of a felony." 18 U.S.C. § 4. Rather, plaintiff has merely *alleged* that a felony was committed against him by members of the United States Marshals Service, Judge Batts, and Magistrate Judge Fox. *Op.* at 2, ECF No. 19; *Pl.'s Compl.* at 36, 40–41, ECF No. 1; *Pl.'s Resp.* at 19, ECF No. 10. And even if plaintiff's allegations are

true, the court lacks subject-matter jurisdiction for reasons stated in the November 16, 2011 order. *See* Op. at 2–3. Plaintiff’s motion for reconsideration is **DENIED**.

IT IS SO ORDERED.

Lawrence J. Block
Judge