

**In the United States Court of Federal Courts**

No. 05-887L  
(Filed: September 7, 2005)  
NOT FOR PUBLICATION

\* \* \* \* \*

FRANK EVANS,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

\* \* \* \* \*

**ORDER OF DISMISSAL**

**FIRESTONE**, *Judge*.

In this pro se action<sup>1</sup>, filed on August 15, 2005, the plaintiff, Frank Evans, alleges that his constitutional rights were taken away without just compensation. While the allegations in the complaint are somewhat unclear, the claim appears to involve a dispute over the ownership of property in which he claims an interest. Specifically, the plaintiff claims that a probate court awarded to him and other heirs the amount of \$73,000 which passed to them from the estate of E. Evans and Hettie Evans. The plaintiff also alleges that the Attorney General for the State of Texas intervened on behalf of the Church of God, which claimed that it owned this property. The plaintiff seeks the return of the property or the \$73,000 plus interest. For the following reasons, the court finds that it lacks jurisdiction to hear this claim and therefore the case must be dismissed.

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<sup>1</sup> The plaintiff's August 15, 2005 motion to proceed in forma pauperis is **GRANTED** to the limited extent necessary, given this order dismissing the case.

First, the plaintiff has not alleged any claims against the United States. The United States Court of Federal Claims only has jurisdiction to hear claims for damages against the United States. 28 U.S.C. § 1491(a) (2000) (“The United States Court of Federal Claims shall have jurisdiction to render judgments upon any claim against the United States.” (emphasis added)). This court does not have jurisdiction over claims against individual states or state officials. Vlahakis v. United States, 215 Ct. Cl. 1018 (1978); Smith v. United States, 51 Fed. Cl. 36, 38 (2001). Nor does this court have jurisdiction over conflicts between private parties. Sisseton and Wahpeton Bands or Tribes, 191 Ct. Cl. 459 (1970). Although the plaintiff names the United States as the defendant, the plaintiff does not allege that the United States has taken his property in violation of his constitutional rights. Rather, the plaintiff asserts that the Attorney General of the State of Texas has interfered with his property rights. Therefore, there is no basis for a claim against the United States. As such, this court has no jurisdiction over plaintiff’s claim.

Second, the plaintiff alleges violations of his civil rights under 42 U.S.C. § 1982 (2000), which are outside this court’s jurisdiction. For the plaintiff to invoke the court’s jurisdiction, “the claim must arise under a provision of the Constitution, federal law, or federal regulation which mandates the payment of money damages to compensate for violations by the Federal government.” Noel v. United States, 16 Cl. Ct. 166, 169 (1989) (citing United States v. Testan, 424 U.S. 392, 400 (1976)). Civil rights statutes are not money mandating against the United States and are therefore outside of this court’s jurisdiction. Anderson v. United States, 22 Cl. Ct. 178 (1990) (citing Barbee v. United States, 14 Cl. Ct. 387, 389 (1988)).<sup>2</sup>

For these reasons, the plaintiff’s action must be dismissed pursuant to Rule 12(b)(1) of the Rules of the Court of Federal Claims. The clerk is directed to enter judgment accordingly.

**IT IS SO ORDERED.**

s/Nancy B. Firestone  
NANCY B. FIRESTONE  
Judge

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<sup>2</sup> U.S. district courts and state courts have jurisdiction over civil rights claims. See, e.g., 28 U.S.C. § 1343(a)(3) (2000).