

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

No. 10-670 C  
(Filed June 27, 2011)

ARNOLDO ROJERO, )  
Plaintiff, )  
v. )  
THE UNITED STATES, )  
Defendant. )

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**ORDER**

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On May 9, 2011, Defendant’s Motion to Dismiss was granted and judgment of dismissal in this matter was entered.

On May 27, 2011, plaintiff, Arnolando Rojero, submitted for filing, papers requesting “review, and revocatory, decisional law” with respect to the May 9, 2011 Order. Mr. Rojero also notes that he is suffering from constant headaches stemming from a traffic accident and is not capable of proceeding with this case at the moment.

Plaintiff’s submittal, received May 27, 2011, is construed to be in the nature of a timely Motion for Reconsideration pursuant to Rules of the Court of Federal Claims (“RCFC”) 59 and shall be filed as such.

Upon reconsideration, it is noted that the May 9, 2011 Order, concluding that this court lacks jurisdiction over the matters asserted by Mr. Rojero, did not consider whether the case should be transferred to a United States District Court pursuant to 28 U.S.C. § 1631. *See Tex. Peanut Farmers v. United States*, 409 F.3d 1370, 1375 (Fed. Cir. 2005). As Mr. Rojero’s various complaints may present matters which could be addressed by a district court pursuant to 28 U.S.C. § 1346(b)(1), or otherwise, it is concluded that transfer of this case, rather than its dismissal presents the appropriate resolution.

Accordingly, it is **ORDERED**:

(1) Plaintiff's May 27, 2011 submittal shall be filed and served on defendant as comprising a timely Motion for Reconsideration of the May 9, 2011 dismissal order;

(2) Upon reconsideration, the judgment of dismissal shall be **WITHDRAWN**;  
and

(3) Pursuant to 28 U.S.C. § 1631, this matter shall be transferred to the United States District Court for the Northern District of Texas.

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James F. Merow  
Senior Judge