

In the United States Court of Federal Claims

No. 10-471C

(Filed: July 28, 2010)

ANTHONY C. KENNEY, *
*
Plaintiff, *
*
v. *
*
THE UNITED STATES, *
*
Defendant. *

ORDER OF DISMISSAL

Plaintiff, appearing pro se, filed the above-captioned case on July 19, 2010. His complaint consists of a variety of documents, including a statement of “Relief Sought,” a “Motion to Amend 3rd Party Class Action,” a “Motion to Consent,” a “Motion to Amend,” a two-page handwritten statement dated June 19, 2010, two “Draft Complaints,” and various exhibits. Although the documents prepared by plaintiff are largely incoherent and therefore difficult to decipher, the court discerns that plaintiff had an employment-related dispute with Swift Transportation Company (“Swift”) that was submitted to arbitration for resolution. The arbitrators found against plaintiff, who then brought suit against Swift in various state and federal courts, claiming that he was entitled to a settlement. Plaintiff now seeks relief in the United States Court of Federal Claims (“Court of Federal Claims”). However, because this court lacks jurisdiction, plaintiff’s complaint must be dismissed.

It is well settled that the United States is the only proper defendant in the Court of Federal Claims. See 28 U.S.C. § 1498(a)(1) (2006) (providing that the Court of Federal Claims has jurisdiction over claims against the United States); RCFC 10(a) (requiring that the United States be designated as the defendant in the Court of Federal Claims); Stephenson v. United States, 58 Fed. Cl. 186, 190 (2003) (“[T]he only proper defendant for any matter before this court is the United States, not its officers, nor any other individual.”). In other words, the jurisdiction of the Court of Federal Claims “is confined to the rendition of money judgments in suits brought for that relief against the United States, . . . and if the relief sought is against others than the United States, the suit as to them must be ignored as beyond the jurisdiction of the court.” United States v. Sherwood, 312 U.S. 584, 588 (1941); accord Nat’l City Bank of Evansville v. United States, 163 F. Supp. 846, 852 (Ct. Cl. 1958) (“It is well established that the jurisdiction of this court extends only to claims against the United States, and obviously a controversy between private parties could not be entertained.” (footnotes omitted)).

Although the court has read the complaint in the light most favorable to plaintiff, it cannot find any allegations that implicate the United States. Plaintiff's complaint instead describes a dispute between private parties over the result of arbitration proceedings. Indeed, plaintiff does not even name the United States as a defendant. Rather, he names as defendants multiple private parties—Swift, Swift's chairman, Swift's owner, Sterling Bank, Sterling Bank's chairman, PCIDC Student Loan, and an attorney.

The United States Supreme Court advises that a pro se plaintiff's complaint, “‘however inartfully pleaded,’ must be held to ‘less stringent standards than formal pleadings drafted by lawyers’” Hughes v. Rowe, 449 U.S. 5, 10 n.7 (1980) (quoting Haines v. Kerner, 404 U.S. 519, 520-21 (1972)). However, a pro se plaintiff is not excused from meeting basic jurisdictional requirements. See Henke v. United States, 60 F.3d 795, 799 (Fed. Cir. 1995) (“The fact that [the plaintiff] acted pro se in the drafting of his complaint may explain its ambiguities, but it does not excuse its failures, if such there be.”). Moreover, the court has no duty to create a claim where a pro se plaintiff's complaint is so vague or confusing that one cannot be determined. Minehan v. United States, 75 Fed. Cl. 249, 253 (2007); Scogin v. United States, 33 Fed. Cl. 285, 293 (1995). A duty is not created because an overly confusing or incoherent complaint “‘makes it difficult for the defendant to file a responsive pleading and makes it difficult for the trial court to conduct orderly litigation.’” Scogin, 33 Fed. Cl. at 293 (quoting Vicom, Inc. v. Harbridge Merch. Servs., Inc., 20 F.3d 771, 775-76 (7th Cir. 1994)).

Because the court cannot create a claim against the United States where none is alleged, plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction. Plaintiff's application to proceed in forma pauperis, submitted with his complaint, is accordingly rendered moot.

IT IS SO ORDERED.

MARGARET M. SWEENEY
Judge