

In the United States Court of Federal Claims

No. 12-226C

(Filed: April 13, 2012)

(Unpublished)

***** *
*
MARK JOSEPH TANZER, *
*
Plaintiff, *
*
v. *
*
STATE of ARIZONA, *
*
Defendant. *
*
***** *

ORDER

On April 9, 2012, *pro se* Plaintiff, Mark Joseph Tanzer (“Tanzer”) filed suit in this Court. As the basis of jurisdiction, Mr. Tanzer invoked 28 U.S.C. § 1343(a) and 42 U.S.C. § 1983. See Compl. 1. Although his complaint was captioned as “Mark Joseph Hills, Tanzer vs. The United States,” his claims are leveled against employees of the Arizona Department of Corrections, as well as at least two private individuals, who he claims falsely accused him of sexual assault. Id. at 1-3. Mr. Tanzer claims that his “Fifth Amendment . . . has been violated,” that he is the victim of a “criminal conspiracy,” and that he has suffered “mental, emotional, [and] even physical injury,” including “loss of limb.” Id. at 2. For these injuries, he seeks “immunity” and “just compensation” in the amount of \$290,000,000. Id. at 4.

As set forth below, the Court finds that it does not have subject matter jurisdiction to adjudicate Mr. Tanzer’s claims. To the extent that Mr. Tanzer asserts claims under § 1983, this Court lacks jurisdiction over them because “jurisdiction over claims arising under the Civil Rights Act resides exclusively in the district courts.” Marlin v. United States, 63 Fed. Cl. 475, 476 (2005) (internal citations omitted); see also 28 U.S.C. § 1343. In addition, the Tucker Act limits this Court’s jurisdiction to claims against the United States. 28 U.S.C. § 1491(a)(1). While Mr. Tanzer’s complaint is captioned as

one against the United States, his claims are directed at a state agency, state officials, and private individuals. This Court does not possess jurisdiction to adjudicate claims against any of those parties. See Moore v. Pub. Defenders Office, 76 Fed. Cl. 617, 620 (2007) (“When a plaintiff’s complaint names private parties, or local, county, or state agencies, rather than federal agencies, this court has no jurisdiction to hear those allegations.”) (internal citations omitted). Moreover, the Court finds no set of facts in Mr. Tanzer’s complaint that demonstrate a claim against the United States or that fall within this Court’s Tucker Act jurisdiction. See Beale v. United States, 69 Fed. Cl. 234, 237 (2005).

In the interest of the efficient use of judicial resources, and to minimize the cost and delay of litigation, see RCFC Appendix A, ¶ 1, the Court is authorized to dismiss at any time a case that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief, see 28 U.S.C. § 1915(e)(2)(B)(i)-(iii). Because the Court finds that it lacks jurisdiction to hear Mr. Tanzer’s claims, and pursuant to the Court’s authority under RCFC Appendix A and 28 U.S.C. § 1915, the Court **DISMISSES** Mr. Tanzer’s complaint. The Clerk of Court is instructed to **DISMISS** Mr. Tanzer’s complaint without prejudice.

IT IS SO ORDERED.

THOMAS C. WHEELER
Judge