

09-846 UNITED STATES V. TOHONO O'ODHAM NATION

DECISION BELOW: 559 F.3d 1284

LOWER COURT CASE NUMBER: 2008-5043

QUESTION PRESENTED:

Under 28 U.S.C. 1500, the Court of Federal Claims (CFC) does not have jurisdiction over "any claim for or in respect to which the plaintiff * * * has * * * any suit or process against the United States" or its agents "pending in any other court." The question presented is:

Whether 28 U.S.C. 1500 deprives the CFC of jurisdiction over a claim seeking monetary relief for the government's alleged violation of fiduciary obligations if the plaintiff has another suit pending in federal district court based on substantially the same operative facts, especially when the plaintiff seeks monetary relief or other overlapping relief in the two suits.

JUSTICE KAGAN TOOK NO PART

CERT. GRANTED 4/19/2010