

EXHIBIT 2A PART 1

In the United States Court of Federal Claims

No. 20-831C
(Filed: September 22, 2020)
NOT FOR PUBLICATION

ANGELA JOHNSON, <i>et al.</i> ,)	
)	
<i>Pro Se</i> Plaintiffs,)	Pro Se; RCFC 12(b)(1); State Courts;
)	State Agencies
v.)	
)	
THE UNITED STATES,)	
)	
Defendant.)	
)	

ORDER DISMISSING CASE

Pro se litigants Angela Johnson and Audrey Johnson filed a complaint in this court alleging “seven grievances” against local and state courts in Oklahoma and a Tennessee child support agency in connection with criminal, divorce, and custody proceedings. *See generally* Compl., ECF No. 1-2. The Johnsons seek \$900 million as damages for these grievances. *See id.*, ECF No. 1-1.

On August 25, 2020, defendant the United States (government) filed a motion to dismiss the Johnsons’ complaint for lack of subject matter jurisdiction under Rule 12(b)(1) of the Rules of the United States Court of Federal Claims. The government argues that the Johnsons’ claims against local and state courts and agencies fall outside of this court’s jurisdiction under the Tucker Act, 28 U.S.C. § 1491. Mot. at 1-2, ECF No. 8.

When evaluating whether the Johnsons' claims fall within this court's limited jurisdiction, the Johnsons' complaint is held to a less stringent standard than that of a plaintiff represented by an attorney; however, this leniency does not relieve the Johnsons of this court's jurisdictional requirements. *See, e.g., Harris v. United States*, 113 Fed. Cl. 290, 292 (2013).

Applying these standards, the court must hold that the Johnsons' claims fall outside of this court's limited jurisdiction. The "grievances" contained in the Johnsons' complaint appear to raise claims against state and local courts and agencies in Oklahoma and Tennessee. The first "grievance," for example, is made in connection with a protective order "in Tulsa Criminal Court." Compl., ECF No. 1-2 at 2. The seventh "grievance" involves a Tennessee child support agency. *Id.* at 6. The remaining "grievances" appear to be associated with decisions by the Oklahoma courts in family law matters; for example, the sixth grievance is related to a decision by the "Tulsa District Court" regarding an "offset" to "child support." *Id.* at 2-6. The attachments to the complaint likewise include filings from state agencies or courts, not federal agencies. *Id.* at 11-13. Moreover, in their response, the Johnsons confirm that they are seeking justice based on the actions of "the Oklahoma Supreme Court, the [Tulsa] District Court regarding IRS and Child Support issues, [and] . . . the [Tennessee] Enforcement Agency communicating with the Oklahoma Enforcement Agency" regarding family law matters under state law. Resp. at 4; *see also id.* at 2 (arguing "[o]ne of the seven grievances in this case is the rolling over of a criminal case into a divorce law case").

This court, however, lacks jurisdiction over claims founded on state law, *Sounders v. S.C. Pub. Serv. Auth.*, 497 F.3d 1303, 1307 (Fed. Cir. 2007), or claims against “states, localities, state and local government officials, state courts, state prisons, or state employees,” *Trevino*, 557 F. App’x at 998. This court also does not have “jurisdiction to review other judges’ decisions, even when a plaintiff couches its challenge of those decisions as a claim for damages against the United States.” *Jones v. United States*, 655 F. App’x 839, 841 (Fed. Cir. 2016) (citing *Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994)). Finally, the Johnsons do not point to any contract with the United States or money-mandating constitutional provision, statute, or regulation on which they base their claims. *See Navajo Nation*, 556 U.S. at 289-90. The court therefore lacks jurisdiction over the Johnsons’ “grievances” against state courts and agencies under the Tucker Act. As such, the court must grant the government’s motion to dismiss, and dismiss the Johnsons’ complaint for lack of subject matter jurisdiction.

For the foregoing reasons, the government’s motion to dismiss, ECF No. 8, is **GRANTED** and the complaint is **DISMISSED** for lack of subject matter jurisdiction. The motion for leave to proceed in forma pauperis, ECF No. 2, is **GRANTED** for the limited purposes of this order. The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

s/Nancy B. Firestone
NANCY B. FIRESTONE
Senior Judge

In the United States Court of Federal Claims

No. 20-831 C
Filed: September 22, 2020

**ANGELA JOHNSON and
AUDREY A. JOHNSON-DUNCAN**

v.

JUDGMENT

UNITED STATES

Pursuant to the court's Order, filed September 22, 2020, granting defendant's motion to dismiss,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that plaintiffs' complaint is dismissed for lack of subject-matter jurisdiction.

Lisa L. Reyes
Clerk of Court

By: *Debra L. Samler*

Deputy Clerk

NOTE: As to appeal to the United States Court of Appeals for the Federal Circuit, 60 days from this date, see RCFC 58.1, re number of copies and listing of all plaintiffs. Filing fee is \$505.00.

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

ANGELA JOHNSON, AUDREY A. JOHNSON-
DUNCAN,
Plaintiffs-Appellants

v.

UNITED STATES,
Defendant-Appellee

2021-1083

Appeal from the United States Court of Federal Claims
in No. 1:20-cv-00831-NBF, Senior Judge Nancy B. Fire-
stone.

ON MOTION

PER CURIAM.

ORDER

The United States moves to summarily affirm the United States Court of Federal Claims' judgment dismissing Angela Johnson and Audrey A. Johnson-Duncan's complaint for lack of jurisdiction. The appellants have not timely responded. Because the Court of Federal Claims' decision was clearly correct, we grant the motion.

The appellants filed the underlying complaint at the Court of Federal Claims alleging various wrongdoings by local and state courts and agencies in connection with criminal, divorce, and custody proceedings. The complaint further alleged that agencies of the United States owed a responsibility to protect people from such conduct. The Court of Federal Claims dismissed the complaint for lack of jurisdiction. The appellants have timely appealed.

The Tucker Act gives the Court of Federal Claims “jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.” 28 U.S.C. § 1491(a)(1). To establish such jurisdiction, plaintiffs must identify a source of substantive law that “can fairly be interpreted as mandating compensation by the Federal Government.” *United States v. Navajo Nation*, 556 U.S. 287, 290 (2009) (citations and internal quotation marks omitted).

The Court of Federal Claims was clearly correct that the appellants failed to cite such a source of law in their complaint. The court was also clearly correct that it does not have jurisdiction to review claims against state agencies and state courts. *See Trevino v. United States*, 557 F. App’x 995, 998 (Fed. Cir. 2014). More generally, the Court of Federal Claims lacks authority to hear any claims “sounding in tort.” § 1491(a)(1). The Court of Federal Claims was therefore also clearly correct that it lacked jurisdiction over any assertion that certain federal agencies were negligent for not taking actions to protect the appellants.

For these reasons, we affirm the underlying judgment by summary order. *See Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994) (holding that summary disposition is appropriate when “the position of one party is so

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clearly correct” that “no substantial question regarding the outcome of the appeal exists” (citation omitted)).

Accordingly,

IT IS ORDERED THAT:

- (1) The United States’ motion is granted. The judgment of the Court of Federal Claims is summarily affirmed.
- (2) Any other pending motions are denied.
- (3) Each side shall bear its own costs.

FOR THE COURT

January 21, 2021

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner
Clerk of Court

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**Additional material
from this filing is
available in the
Clerk's Office.**