

App 1

NOTE: This disposition is nonprecedential.

United States Court of Appeals  
for the Federal Circuit

CHRIS JAYE,  
*Plaintiff-Appellant*

v.

UNITED STATES,  
*Defendant-Appellee*

2019-1458

Appeal from the United States Court of Federal Claims  
in No. 1:18-cv-01200-LAS, Senior Judge Loren A. Smith.

Decided: August 6, 2019

CHRIS JAYE, Clinton, NJ, *pro se*.

RUSSELL JAMES UPTON, Commercial Litigation  
Branch, Civil Division, United States Department  
of Justice, Washington, DC, for defendant-  
appellee. Also represented by JOSEPH H. HUNT,  
STEVEN JOHN GILLINGHAM, ROBERT EDWARD  
KIRSCHMAN, JR.

---

Before LOURIE, PLAGER, and O'MALLEY, Circuit  
Judges. PER CURIAM.

reasons explained below, the Court of Federal Claims correctly concluded that it lacked jurisdiction to consider Jaye's claims.

First, Jaye has not pled the elements of a valid contract—either express or implied—between herself and the United States. Like an express contract, an implied-in-fact contract requires: "(1) mutuality of intent to contract; (2) consideration; and, (3) lack of ambiguity in offer and acceptance." *City of Cincinnati v. United States*, 153 F.3d 1375, 1377 (Fed. Cir. 1998). "When the United States is a party, a fourth requirement is added: The government representative whose conduct is relied upon must have actual authority to bind the government in contract." *Id.* In her complaint, Jaye alleges that she "has an implied contract with the United States upon paying court fees to access the court." Appellee's App. 2. Jaye argues that the United States breached that contract by "fail[ing] to provide competent judges" and requests that certain filing fees be returned to her. *Id.* at 22, 33 ("Plaintiff requests the return of all court fees paid to the United States as required by law, with the exception of the fee paid for the case of 14- 07471."). But the mere filing of a complaint and payment of a filing fee does not create a contract between the plaintiff and the United States. See *Garrett v. United*

*States*, 78 Fed. CL 668, 671 (2007) (finding no authority supporting plaintiffs proposition that filing a complaint gives rise to a contract with the United States); *Stamps v. United States*, 73 Fed. CL 603, 610 (2006) (finding that the court lacked jurisdiction to hear plaintiff's claim alleging breach of an implied-in-fact contract stemming from the district court judge's acceptance of the case in forma pauperis). Because Jaye has not alleged the elements of a contract with the United States, her claim is not within the jurisdiction of the Court of Federal Claims.

As to Jaye's allegations of constitutional violations, it is well established that not every claim involving, or invoking, the Constitution necessarily confers jurisdiction upon the Court of Federal Claims. *James v. Caldera*, 159 F.3d 573, 580 (Fed. Cir. 1998) ("[A] Tucker Act plaintiff must assert a claim under a separate money-mandating constitutional provision, statute, or regulation, the violation of which supports a claim for damages against the United States."). Although the grounds for Jaye's constitutional challenges are not entirely clear, her complaint alleges violation of the separation of powers doctrine. Appellee's App. 23. The separation of powers doctrine does not "mandate payment of money by the government" and thus cannot confer jurisdiction

upon the Court of Federal Claims. *LeBlanc*, 50 F.3d at 1028. To the extent Jaye is claiming violation of her due process rights, the Due Process clause of the Fifth Amendment is not a sufficient basis for jurisdiction because it is not money-mandating. *Id.*

Next, Jaye asserts that the "United States acted a part in an unlawful taking scheme perpetrated by the State of New Jersey." Appellee's App. 5. The Court of Federal Claims found that, although Jaye claims that "takings" were committed against her, her complaint "lacks any factual basis for a taking." *Id.* at 115. We agree.

As the Court of Federal Claims explained, Jaye's takings allegations all stem from what she believes are "void judgments made by state courts." *Id.* at 120. The Court of Federal Claims has no jurisdiction to review state court judgments. *Potter v. United States*, 108 Fed. CL 544, 548 (2013) ("This Court, like all lower federal courts, lacks authority to review a state court's judgments, nor does it have the authority to remedy injuries that are caused by a state court's order."). And, although Jaye's caption identifies the United States as the defendant in this suit, many of her "takings-related" factual allegations are directed at New Jersey state officials and "state actors." Appellee's App. 6. It is well established that the Court of Federal Claims only has jurisdiction to hear

claims against the United States. See *United States v. Sherwood*, 312 U.S. 584, 588 (1941) (suits against parties other than the United States are "beyond the jurisdiction" of the Claims Court). To the extent Jaye's complaint seeks relief against defendants other than the United States, including state officials, state agencies, and other individuals, the Court of Federal Claims lacks jurisdiction over those claims. *Smith v. United States*, 99 Fed. CL 581, 583 (2011) ("[T]he Court of Federal Claims does not have jurisdiction to hear claims against states, localities, state and local government entities, or state and local government officials and employees."). Finally, in her prayer for relief, Jaye asks the Court of Federal Claims to review several cases she filed in the United States District Court for New Jersey, all of which were dismissed. But "the Court of Federal Claims does not have jurisdiction to review the decisions of district courts." *Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994). As such, the Court of Federal Claims cannot review any of the district court's decisions Jaye identifies in her complaint.<sup>1</sup>

#### CONCLUSION

We have considered Jaye's remaining arguments and conclude that they are without merit. Because the Court

of Federal Claims lacks jurisdiction over the asserted claims, we affirm.<sup>2</sup>

**AFFIRMED**

---

<sup>1</sup>Jaye filed a "Motion to Rely on Original Record and Expand Record to Support Relief Denied." Motion, *Jaye v. United States*, No. 19-1458 (Fed. Cir. June 12, 2019), ECF No. 48. Therein, she argues that "the judges of the US District Court of New Jersey, US Court of Appeals, Third Circuit the Judicial Council of the Third Circuit had the power and duty to perform to uphold my rights. They did not. They are Government employees. They are directly involved in the taking, deprivation and seizure of my property." *Id.* at 1. To the extent Jaye seeks relief against any federal judges individually, the Court of Federal Claims does not have jurisdiction to address those claims. *See Brown v. United States*, 105 F.3d 621, 624 (Fed. Cir. 1997) ("The Tucker Act grants the Court of Federal Claims jurisdiction over suits against the United States, not against individual federal officials."). Jaye's motion is denied.

<sup>2</sup>Jaye also filed a Motion for Court Copies, arguing that she has not received certain documents and requesting that the court send her copies via email. Motion, *Jaye v. United States*, No. 19-1458 (Fed. Cir. June 12, 2019),

ECF No. 46. That motion is denied. All documents filed in this appeal are available electronically through the Public Access to Court Electronic Records (PACER) system.

App 11

United States Court of Appeals  
for the Federal Circuit

CHRIS JAYE,  
*Plaintiff - Appellant*

v.

UNITED STATES,  
*Defendant - Appellee*

---

2019-1458

---

Appeal from the United States Court  
of Federal Claims in No. 1:18-cv-01200 -LAS  
Senior Judge Loren A. Smith.

---

**JUDGMENT**

---

THIS CAUSE having been considered, it is

ORDERED AND ADJUDGED:

**AFFIRMED**

ENTERED BY ORDER OF THE COURT

August 6, 2019

Isl Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

App 12

NOTE: This disposition is nonprecedential.

United States Court of Appeals  
for the Federal Circuit

CHRIS JAYE,  
*Plaintiff - Appellant*

v.

UNITED STATES,  
*Defendant - Appellee*

**ON PETITION FOR PANEL REHEARING AND  
REHEARING EN BANC**

Before PROST, *Chief Judge*, NEWMAN, PLAGER\*,  
LOURIE, DYK, MOORE, O'MALLEY,  
REYNA, WALLACH, TARANTO,  
CHEN, HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

\* Circuit Judge Plager participated only in the decision on  
the petition for panel rehearing.

**ORDER**

Appellant Chris Jaye filed a combined  
petition for panel rehearing and rehearing en banc. The  
petition was referred to the panel that heard the  
appeal, and thereafter the petition for rehearing en



App 13

banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing *en banc* is denied.

The mandate of the court will issue on October 3, 2019.

FOR THE COURT

September 26, 2019

Isl Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

App 14

United States Court of Federal Claims  
No. 18-1200L  
Filed August 24, 2018

Chris Jaye,  
Plaintiff  
v.  
The United States,  
Defendant

ORDER

On August 8, 2018, plaintiff Chris Jaye, proceeding pro se, filed a complaint with this Court. In her complaint, plaintiff appears to seek review of alleged wrongs by state actors perpetrating a plethora of acts against her. Plaintiff's complaint ask the Court of Federal Claims "to make void all ruling involding all taking which hve been given benefit by the United States," among other requests pertaining to her allegations including asking this Court to "order sanctions against counsel." Complaint (hereinafter "Compl.") at 30-33.

This Court's authority to hear cases is primarily set forth by the Tucker Act, which grants the Court of Federal Claims subject-matter jurisdiction over claims

brought against the United States that are grounded on a money-mandating source of law and do not sound in tort. 28 USC §1491 (a)(1). Rule 12(h)(3) of the Rules of Court of the Federal Claims (“RCFC”) states that “[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” RCFC 12(h)(3). In the present case, the plaintiff alleges many different violations against the United States. While plaintiff claims “takings” were committed against her by federal officers, plaintiff’s complaint lacks any factual basis for a taking. Additionally, plaintiff states that this action is “NOT AN APPEAL.” Compl. At 4. However, plaintiff’s argument depends on her assertion that federal courts previously upheld allegedly void judgment made by state courts. *See generally*, Compl. Therefore, plaintiff’s complaint is, in essence, an appeal. It is well settled that this Court has no jurisdiction to entertain appeals of state court judgments. *Potter v. United States*, 108 Fed. CL 544, 548 (2013) (“This Court, like all lower federal courts. Lacks authority to review a state court’s judgments, nor does it have the authority to remedy injuries that are caused by state court’s order.”) Upon *sua sponte* review, this Court finds that Plaintiff’s allegations do not give rise to any cause of action which this Court has subject-matter jurisdiction. This Court has no authority to decide plaintiff’s case, and therefore must dismiss the complaint pursuant to RCFC 12(h)(3).

App 16

Plaintiff complaint is DISMISSED, sua sponte, pursuant to RCFC 12(h)(3). The Clerk of the Court is hereby directed to take the necessary steps to dismiss this matter.

IT IS SO ORDERED,

*/s/ Loren A. Smith*  
Loren A. Smith  
Senior Judge

App 17

United States Court of Federal Claims

No. 18-1200L

Filed December 21, 2018

Chris Jaye,  
Plaintiff

v.

The United States,  
Defendant.

**SMITH**, Senior Judge

**ORDER**

On August 8, 2018, plaintiff Chris Jaye, proceeding pro se, filed her Complaint with this Court. On August 24, 2018, the Court dismissed plaintiff's Complaint sua sponte and directed the Clerk of Court to enter judgment. Judgment was entering in this case on August 28, 2018. Plaintiff states that she did not receive notice of the Court's Opinion and Order filed on August 25, 2018, because plaintiff's incorrect address was given to the Clerk's Office. On October 11, 2018, plaintiff mailed a Document entitled "Lack of Notice of Appearance from the United States" Later, on November 20, 2018, plaintiff mailed to this Court documents entitled "Notice Motion for Relief from Sua Sponte Dismissal and Order Giving Plaintiff Permission to File by ECF," "Motion to Supplement the Original Complaint," and "Certification of Chris Ann Jaye in Support of Her Motion/Application for a Writ." Plaintiff

may be challenged at any time by the parties or by the court *sua sponte*.” *Folden v. United States*, 379 F3d 1344, 1354. On many occasions, this Court has used its power to *sua sponte* dismiss a claim based on lack of jurisdiction. See, e.g. *Smith v. United States*, 99 Fed. CL 581 (2011) (dismissing plaintiff’s Complaint for lack of subject-matter jurisdiction, ‘the allegations stated in the complaint are taken as true and jurisdiction is decided on the face of the pleadings.” *Folden*, 379 F. 3d at 1354. (quoting *Shearin v. United States*, 992 D2 1195-96 (Fed. Cir. 1993)). For the reason reiterated below, the Court lacks subject-matter jurisdiction and, therefore, plaintiff has no meritorious claims.

In her Complaint, plaintiff alleges “Plaintiff and the United States ha[ve] an implied contract.” See Complaint (hereinafter “Compl.”) at 12. Plaintiff states that because she paid the filing fee in previous federal court cases, there was an implied contract established between her and the United States. See Compl. At 19. The Court of Federal Claims retains jurisdiction in claims against the United States when a “complaint present a non-frivolous allegation of the existence of an implied-in-fact contract.” *Hanlin v. United States*, 214 F 3d, 1319, 1321 (Fed. Cir. 2000). However, plaintiff’s claim for implied contract is frivolous as it “involves a legal [conclusion] not arguable on the merits.” *Galloway Farms, Inc. v. United States*, 834, F 2d 998, 1000 (Fed. Cir. 1987). Additionally, plaintiff’s entire allegation based on takings jurisdiction cites an assertion that federal courts previously upheld allegedly void judgments made by state courts. See *generally* Compl. As reiterated, plaintiff’s Complaint is an appeal of state

court judgments. It is well settled that this Court has no jurisdiction to entertain appeals of state court judgments. *Potter v. United States*, 108 Fed. CL 544, 548 (2013) (“This Court, like all lower federal courts. Lacks authority to review a state court’s judgments, nor does it have the authority to remedy injuries that are caused by state court’s order.”) Accordingly, plaintiff has no meritorious claim or defense, and the Court finds that the plaintiff’s failure to file a meritorious claim warrants the denial of plaintiff’s Motion to Vacate pursuant to RCFC 60(b)(1).

RCFC 60(b)(3) allows the Court to vacate a final judgment for “fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party.” “Unsupported allegations and innuendo are insufficient to warrant relief.” *Wagstaff v. United States*, 118 Fed. CL 172, 176 (2014); *Madison Servs. Inc. v. United States*, 94 Fed. CL, 501, 507 (2010). (“Because plaintiff submits as evidence unsubstantiated innuendo and uncorroborated inferences, evidence that cannot meet a “clear and convincing” standard, the court must deny plaintiff’s request for relief.”) Plaintiff has offered no clear and convincing evidence of fraud, and therefore, does not meet the standard for RCFC 60(b)(3).

Finally, RCFC 60(b)(5) and RCFC 60 (b)(6) are inapplicable to this case. RCFC 60(b)(5) “applies to judgments that are executory” in nature, or those that entail the Court supervising ‘changing conduct or conditions.” *Kenzora v. Sec’y of Health & Human Servs*, 126 Fed CL (Fed. CL. June 3, 2008)). An example, of this judgment is an injunction. There was no judgement of this nature within the Court’s Opinion and Order.

RCFC 60(b)(6) allows relief from a final judgment for “any other reasons that justifies relief.” “[R]elief from judgment under RCFC 60(b)(6) may be granted “only for exceptional or extraordinary circumstances.” *Kenzora*, 126, Fed. CL. At 600. Plaintiff has not shown exceptional circumstances that would warrant relief under RCFC 60 (b)(6).

As stated in this Order, and in the Court’s original August 24, 2018 Opinion and Order, the Court is constrained by the law and there is nothing the Court can do. The Clerk of the Court is hereby directed to file plaintiff’s correspondence as plaintiff’s Motion to Vacate. Moreover, plaintiff’s Motion to Vacate is DENIED. Additionally, it is ORDERED that the Clerk is to accept no further filings or complaints related to the claims in the case at bar from Chris Ann Jaye without an order granting leaver to file such filing from the Chief Judge of the United States Court of Federal Claims. In seeking leave to file any future documents, Ms. Jaye must explain how her submission raises new matters properly before this court. See RCFC 11(b)-(c) (barring the filing of unwanted or frivolous claims that have no evidentiary support.)

IT IS SO ORDERED.

*/s/ Loren A. Smith*  
Loren A. Smith  
Senior Judge