

No. \_\_\_\_\_

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In the Supreme Court of the United States

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IN RE JUSTIN PAUL DREILING

*Petitioner,*

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ON PETITION FOR A WRIT OF MANDAMUS  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

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**APPENDIX**

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*Appendix D*

[Filed: Jan. 5, 2026]

**In the United States Court of Federal Claims**

JUSTIN PAUL DREILING,	)	
Plaintiff,	)	
	)	No. 25-2133
v.	)	Senior Judge
THE UNITED STATES,	)	Loren A. Smith
Defendant.	)	
	)	

**PLAINTIFF'S RESPONSE TO COURT'S  
ORDER TO SHOW CAUSE**

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05 January 2026 \_\_\_\_\_

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**IT IS SO ORDERED.**

s/ Loren A. Smith

Loren A. Smith,

Senior Judge

forth by the Tucker Act, 28 U.S.C. § 1491, which grants the Court of Federal Claims with 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. See 28 U.S.C. § 1491(a)(1). In contrast, the claims asserted in Mr. Dreiling's complaint—founded upon §§ 332(a)(1) and 354(a)(2)(A)(i)—do not supply money-mandating claims against the United States. See 28 U.S.C. § 332(a)(1) (specifying that the chief judge of each judicial circuit shall hold meetings of the judicial council “at least twice in each year”); 28 U.S.C. § 354(a)(2)(A)(i) (outlining the actions that the judicial council can take upon receiving a complaint against a judge under 28 U.S.C. § 353).

Rule 12(h)(3) of the Rules of the United States Court of 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.” Therefore, plaintiff is **ORDERED TO SHOW CAUSE** as to why this case should not be dismissed under RCFC 12(h)(3). In responding to this order, plaintiff must identify which money-mandating source or sources of law he is invoking and explain why this Court has jurisdiction over this case. Plaintiff's response to this order is due on or before **January, 9, 2026**. Additionally, defendant's response is hereby **STAYED** pending the Court's review of plaintiff's forthcoming response.

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*Appendix C*

**In the United States Court of Federal Claims**

No. 25-2133

Filed: December 19, 2025

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JUSTIN PAUL DREILING,	)
Plaintiff,	)
	)
v.	)
	)
THE UNITED STATES,	)
Defendant.	)

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**ORDER TO SHOW CAUSE**

On December 17, 2025, Mr. Dreiling, proceeding *pro se*, filed a complaint with this Court alleging that certain directives from the Judicial Council of the Federal Circuit preventing United States Circuit Judge Pauline Newman from participating in various proceedings in the United States Court of Appeals for the Federal Circuit provides the basis for a claim by plaintiff against the United States. *See generally* Compl. ¶¶ 6, 17–21, ECF No. 1. Plaintiff’s complaint specifically invokes 28 U.S.C. §§ 332(a)(1) and 354(a)(2)(A)(i) as the substantive sources of law supplying the basis for his claims. *Id.* ¶¶ 22–34, 35–45.

After careful review, the Court seriously doubts that it has jurisdiction over Mr. Dreiling’s claims. This Court’s authority to hear cases is primarily set

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mandating cause of action against the federal government. The Court accordingly **DISMISSES** Mr. Dreiling's complaint, ECF No. 1, **WITHOUT PREJUDICE** under Rule 12(h)(3) of the Rules of the United States Court of Federal Claims. The clerk is directed to enter judgment accordingly.

**IT IS SO ORDERED.**

s/ Loren A. Smith

Loren A. Smith,

Senior Judge

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over money-mandating claims against the federal government. See Dec. 19, 2025 Order, ECF No. 4 at 1. In contrast, the claims asserted in Mr. Dreiling's complaint—founded upon §§ 332(a)(1) and 354(a)(2)(A)(i)—do not supply money-mandating claims against the United States. See 28 U.S.C. § 332(a)(1) (specifying that the chief judge of each judicial circuit shall hold meetings of the judicial council “at least twice in each year”); 28 U.S.C. § 354(a)(2)(A)(i) (outlining the actions that the judicial council can take upon receiving a complaint against a judge under 28 U.S.C. § 353). The show cause order also directed Mr. Dreiling to submit a response identifying which “money-mandating source or sources of law he is invoking and explain why this Court has jurisdiction over this case.” *Id.*

On January 5, 2026, Mr. Dreiling filed a response to the Court's order to show cause. See ECF No. 5. In his response, Mr. Dreiling argues that the Court retains jurisdiction over Count I because that claim alleges that § 354(a)(2)(A)(i) “is contrary to the manifest tenor of the Constitution.” *Id.* at 37. For Count II, Mr. Dreiling argues that jurisdiction is proper in this Court because that claim “is based on the fact the Judicial Council of the Federal Circuit improperly executed a law of Congress.” *Id.*

After careful review, the Court concludes that it lacks subject-matter jurisdiction over both of Mr. Dreiling's claims as neither claim provides a money-



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