NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

AHMAD ALJINDI,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2024-1997

Appeal from the United States Court of Federal Claims in No. 1:24-cv-00242-DAT, Judge David A. Tapp.

Decided: February 10, 2025

AHMAD JAMALEDDIN ALJINDI, Irvine, CA, pro se.

ERIC P. BRUSKIN, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, for defendant-appellee. Also represented by BRIAN M. BOYNTON, PATRICIA M. MCCARTHY.

PER CURIAM.

Dr. Ahmad Aljindi has published research on information security, artificial intelligence (AI), and legacy information systems, and he owns a small business, AI Net Group LLC. In 2021, his business unsuccessfully sought an Economic Injury Disaster Loan (EIDL) from the federal government's Small Business Administration (SBA). In 2024, after he had brought several other suits, Dr. Aljindi filed a complaint in the U.S. Court of Federal Claims (Claims Court), seeking $65.4 million in compensation (a) for the government's use of his research, which he said was a taking in violation of the Fifth Amendment, and (b) for the SBA's denial of the loan. The Claims Court dismissed the complaint for lack of subject-matter jurisdiction, failure to state a claim upon which relief can be granted, and failure to prosecute. *Aljindi v. United States*, No. 24-242, 2024 WL 3024654, at *1, *5 (Fed. Cl. June 17, 2024) (*Claims Court Opinion*). The Claims Court also denied Dr. Aljindi's motion to disqualify Judge Tapp. Dr. Aljindi appeals. We affirm.

I

A

Dr. Aljindi claims that he discovered the field of research into the relationship between information security, artificial intelligence, and legacy information systems and that he registered his dissertation on that topic with the Library of Congress in December 2015. Appellant's Informal Br. at 19; *Claims Court Opinion*, at *2. He has filed several cases against the federal government for allegedly infringing on his "copyrighted property" by engaging in and publishing research on this field. *Claims Court Opinion*, at *2 & n.2. The present case is related chiefly to two earlier cases Dr. Aljindi filed in the Claims Court.

The first case ("*Aljindi IP* litigation") resulted in several opinions. He filed that case pro se in the Claims Court in April 2021. *See Aljindi v. United States*, No. 21-1295C, 2021 WL 4807205, at *1–2 (Fed. Cl. Oct. 15, 2021) (*Aljindi*

I).[1] Alleging that judicial misconduct infected the dismissal of separate cases he had brought in the U.S. District Court for the Central District of California, he sought $32.7 million in damages for "employment discrimination," "intellectual property and copyright[] law[] violations" resulting from the government's alleged use of his dissertation research, and "negligence and tort, based on the conduct described" for the discrimination and intellectual-property claims. *Aljindi v. United States*, No. 21-1295C, 2022 WL 1464476, at *1 (Fed. Cir. May 10, 2022) (*Aljindi II*); *Aljindi I*, at *1–2. The Claims Court (Judge Schwartz) dismissed the complaint. *Aljindi I*, at *1. It held that it lacked jurisdiction over the employment-discrimination, negligence and tort, and judicial-misconduct claims and that the intellectual-property claim, asserted as a Fifth Amendment takings claim, was not sufficiently supported by alleged facts (*e.g.*, "what the property consisted of, how it was taken, and what the government did with it") to make a takings claim plausible. *Aljindi I*, at *1–2; *Aljindi II*, at *1–2.

On appeal, we affirmed the Claims Court's dismissal of Dr. Aljindi's employment-discrimination, negligence and tort, and judicial-misconduct claims. *Aljindi II*, at *2–3. We also affirmed the dismissal of the takings claim because Dr. Aljindi did not "provide the minimum required factual allegations in his complaint to support this claim." *Id.* at *3; *see also id.* at *3 n.4. But we remanded the case in part for the Claims Court to consider whether Dr. Aljindi had stated a claim for copyright infringement. *Id.* at *3–4.

On remand, the Claims Court held that the complaint did not support a claim of copyright infringement on which relief could be granted, because the allegations "relate[d] to uncopyrightable ideas" and to the uncopyrightable

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[1] We use the names assigned by the Claims Court to those prior cases. S. Appx. 1–7.

"topic" or "field" of information security, artificial intelligence, and legacy information systems. *Aljindi v. United States*, No. 21-1295C, 2022 WL 17330006, at *1–2 (Fed. Cl. Nov. 28, 2022) (*Aljindi III*). We affirmed that ruling. *Aljindi v. United States*, No. 21-1295C, 2023 WL 2778689, at *2–3 (Fed. Cir. Apr. 5, 2023) (*Aljindi IV*). We also declined to consider Dr. Aljindi's argument on appeal that the Claims Court erred by dismissing his takings claim because we had already affirmed the Claims Court's dismissal of that claim in *Aljindi II*. *Id.* at *2 n.3.

The second case of relevance to the present action was initiated by Dr. Aljindi's July 2021 filing of a pro se complaint in the Claims Court. Complaint, *Aljindi v. United States*, No. 21-1578C, 2021 WL 5177430 (Fed. Cl. Aug. 30, 2021), ECF No. 1. Dr. Aljindi sought $32.7 million in damages for alleged judicial misconduct (*i.e.*, bribery, fraud, and obstruction of justice) committed by judges in other courts through their dismissals of his intellectual-property (including copyright) claims, and for the SBA's then-recent less-than-affirmative response to the application for a loan (under the EIDL program) to his business, AI Net Group LLC. *Id.* at 2–4, 6–7; *Aljindi v. United States*, No. 21-1578C, 2021 WL 5177430, at *1–3 (Fed. Cl. Aug. 30, 2021) (*Aljindi SBA Opinion*). The Claims Court (Judge Tapp) dismissed his complaint. *Aljindi SBA Opinion*, at *1, *4. It held that the judicial-misconduct claim was outside its jurisdiction and that, regarding the SBA allegations, the complaint did not state a claim upon which relief could be granted. *Aljindi SBA Opinion*, at *2–3. On the SBA claim, the Claims Court explained that, "[e]ven if SBA's EIDL decisions are reviewable," the SBA's decision was not final: SBA notified Dr. Aljindi that it needed additional documentation to review the application but Dr. Aljindi did not allege that he provided such documentation. *Id.* at *3. And even if SBA issued a final decision, the Claims Court explained, Dr. Aljindi had failed to state a claim upon which

relief could be granted because he "ha[d] not availed himself of the administrative remedies available to him." *Id.*

B

On February 14, 2024, Dr. Aljindi filed the complaint in this case, seeking $65.4 million in compensation. Complaint at 19, *Aljindi v. United States*, No. 24-242, 2024 WL 3024654 (Fed. Cl. June 17, 2024), ECF No. 1 (Claims Court Compl.); S. Appx. 1;[2] Appellee's Response Br. at 4. The complaint includes two counts for relief—first, a claim for an alleged Fifth Amendment taking of his 2015 research, Claims Court Compl. at 2–15; second, a claim of intentional and systemic retaliation committed by SBA in denying an EIDL for AI Net Group LLC, *id.* at 15–19. *See Claims Court Opinion*, at *1–2, *4. Dr. Aljindi simultaneously moved for summary judgment. *Id.* at *1. The case was assigned to Judge Tapp. Notice of Direct Assignment, *Aljindi v. United States*, No. 24-242, 2024 WL 3024654 (Fed. Cl. June 17, 2024), ECF No. 7 (Notice of Direct Assignment). On February 20, 2024, Dr. Aljindi moved to disqualify Judge Tapp. S. Appx. 60–84. On April 17, 2024, the government moved to dismiss the complaint pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Rules of the United States Court of Federal Claims (RCFC). S. Appx. 10–24.

The Claims Court granted the government's motion to dismiss and denied Dr. Aljindi's motion for summary judgment as moot. *Claims Court Opinion*, at *1, *5. Noting that Dr. Aljindi cited five different government documents (published between October 2016 and August 2019) as evidence for his Fifth Amendment takings claim, the Claims Court ruled that Dr. Aljindi's claim involving one government component (the National Science and Technology Council, or NSTC) was time-barred by the six-year statute

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[2] "S. Appx." refers to the Supplemental Appendix submitted by the Appellee.

of limitations in 28 U.S.C. § 2501 but that his claims relating to other government components[3] were timely. *Id.* at *2 & n.1. Nevertheless, the Claims Court concluded that the takings claim was barred in whole by the doctrine of res judicata and also because it was "not facially plausible." *Id.* at *2–4. To the extent that the takings claim could be interpreted to be asserting intellectual-property theft, the Claims Court added, the claim would be a tort claim outside its jurisdiction. *Id.* at *3; 28 U.S.C. § 1491(a)(1). Regarding the alleged retaliation by SBA in handling the request for an EIDL for AI Net Group LLC, the Claims Court concluded that Rule 83.1 of the Claims Court's Rules barred Dr. Aljindi, a pro se plaintiff, from representing AI Net Group LLC or any other entity besides himself and, thus, his SBA retaliation claim had to be dismissed for lack of prosecution under Rule 41(b). *Id.* at *4–5.

On the same day that it issued its opinion dismissing Dr. Aljindi's complaint, the Claims Court denied Dr. Aljindi's motion to disqualify Judge Tapp. Order, *Aljindi v. United States*, No. 24-242, 2024 WL 3024654 (Fed. Cl. June 17, 2024), ECF No. 25 (Order); S. Appx. 60–84. In his motion to disqualify, Dr. Aljindi cited the decisions in the two cases discussed in Part I.A above and argued that they supported his allegation that Judge Tapp was prejudiced against him and must disqualify himself pursuant to 28 U.S.C. § 455. S. Appx. 60–61. Dr. Aljindi also argued that Chief Judge Kaplan should hear his case as he had "[t]yped [her] name" in his filings. S. Appx. 61. In denying Dr. Aljindi's motion to disqualify, the Claims Court explained that Dr. Aljindi had "fail[ed] to identify any personal bias or prejudice" on the part of Judge Tapp and that the prior

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[3] Those other components are the Office of the Director of National Intelligence, Department of Defense, Department of Justice, and National Institute of Standards and Technology. *Id.* at *2 n.1.

rulings did not constitute a proper basis for disqualification for bias or prejudice. Order at 1–2.

Dr. Aljindi timely appealed. We have jurisdiction under 28 U.S.C. § 1295(a)(3).

II

In this case, where the factual allegations of the complaint are not challenged for purposes of the dismissal motion, we review the dismissal (for lack of jurisdiction or for failure to state a claim) de novo. *Taylor v. United States*, 959 F.3d 1081, 1086 (Fed. Cir. 2020) (citations omitted). "In either case, '[w]e take all factual allegations in the complaint as true and construe the facts in the light most favorable to the non-moving party.'" *Inter-Tribal Council of Arizona, Inc. v. United States*, 956 F.3d 1328, 1338 (Fed. Cir. 2020) (alteration in the original) (citations omitted). Although pleadings by pro se litigants are held to "less stringent standards" than those for lawyers, pro se plaintiffs must still meet their jurisdictional burden. *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972); *Kelley v. Secretary, U.S. Department of Labor*, 812 F.2d 1378, 1380 (Fed. Cir. 1987). A trial court has "broad discretion to manage [its] docket[]." *Procter & Gamble Co. v. Kraft Foods Global, Inc.*, 549 F.3d 842, 848–49 (Fed. Cir. 2008). We review the denial of a motion to disqualify under 28 U.S.C. § 455 for abuse of discretion. *Allphin v. United States*, 758 F.3d 1336, 1343–44 (Fed. Cir. 2014); *Shell Oil Co. v. United States*, 672 F.3d 1283, 1288 (Fed. Cir. 2012). We address the takings issue, then the retaliation issue, and finally the disqualification issue.

A

Dr. Aljindi challenges the Claims Court's dismissal of his takings claim, arguing that the government "has taken his property by engaging in research" in the "combined field of [information security, artificial intelligence (AI),

and legacy information systems (LIS)]." Appellant's Informal Br. at 19. We reject the challenge.

Regarding the takings claim related to a published strategic plan of the NSTC, the Claims Court properly held that claim to be time-barred by 28 U.S.C. § 2501. *Claim Court Opinion*, at *2. That provision, which is a jurisdictional limitation, *John R. Sand & Gravel Co. v. United States*, 552 U.S. 130. 133–34 (2008), requires that a claim be brought "within six years after such claim first accrues," 28 U.S.C. § 2501. Dr. Aljindi contends that the "six-year[] statute of limitations does not apply here simply because the 2016 example [of the NSTC strategic plan] . . . was discovered by [him] around December 2018." Appellant's Informal Br. at 24. But "[a] claim first accrues when all the events have occurred that fix the alleged liability of the government and entitle the claimant to institute an action," *Ingrum v. United States*, 560 F.3d 1311, 1314 (Fed. Cir. 2009), and Dr. Aljindi did not establish in the Claims Court and does not establish here that the publication was concealed or unknowable or that he should not have known of it, *see id.* at 1314–14; Appellant's Informal Br. at 19, 24, so there is no basis for suspending the accrual past the NSTC publication date in 2016, more than six years before his suit here.

Dr. Aljindi also has not identified reversible error in the Claims Court's holding that the takings claim (as to the timely and untimely challenged uses) was precluded by the doctrine of res judicata based on the *Aljindi IP* litigation. *See Claims Court Opinion*, at *2–3. "A claim is barred by res judicata when '(1) the parties are identical or in privity; (2) the first suit proceeded to a final judgment on the merits; and (3) the second claim is based on the same set of transactional facts as the first.'" *Cunningham v. United States*, 748 F.3d 1172, 1179 (Fed. Cir. 2014) (quoting *Ammex, Inc. v. United States*, 334 F.3d 1052, 1055 (Fed. Cir. 2003)). All three elements are present here.

First, the parties (Dr. Aljindi and the United States) are identical to the parties in the *Aljindi IP* litigation. Second, Dr. Aljindi's Fifth Amendment takings claim was previously dismissed in *Aljindi I* (and affirmed in *Aljindi II* and *Aljindi IV*) for failure to state a claim upon which relief could be granted. *Aljindi I*, at *2; *Aljindi II*, at *3; *Aljindi IV*, at *2 n.3; *see Claims Court Opinion*, at *3. A dismissal for failure to state a claim constitutes a final judgment on the merits, and thus has res judicata effect. *See Spruill v. Merit Systems Protection Board*, 978 F.2d 679, 687 (Fed. Cir. 1992). Third, we agree with the Claims Court that his "present takings claim is based on the same set of transactional facts as his prior [*Aljindi IP*] litigation" because his present case against "ALL formal AI Strategies published by the federal government" necessarily includes the 2019 publication by the Department of Defense that was the focus of his prior claim. *Claims Court Opinion*, at *3. Dr. Aljindi is attempting to litigate "issues that were or could have been raised" in his earlier suit, which res judicata prevents. *See First Mortgage Corp. v. United States*, 961 F.3d 1331, 1338 (Fed. Cir. 2020) (internal quotation marks and citations omitted).

Dr. Aljindi has similarly shown no error in the Claims Court's dismissal of the takings claim for failure to meet the pleading standard of setting forth facts that plausibly establish the elements of the asserted wrong. *Claims Court Opinion*, at *3–4; *but see* Appellant's Informal Br. at 19 (arguing the claim is "facially plausible"). Dr. Aljindi had to allege plausibly, among other things, that he owned property protected by the Takings Clause and that it was taken by the government. He has pleaded that he discovered the entire field of research into the relationship between information security, artificial intelligence, and legacy information systems, Claims Court Compl. at 4, but at a minimum he has not shown that it is plausible that he has a cognizable property interest (for Takings Clause purposes) in that general idea and "everything built on top of"

[his] research" and that the government has taken that from him, *Claims Court Opinion*, at *4.

B

Dr. Aljindi challenges the Claims Court's dismissal of his claim of systemic and intentional retaliation by SBA for lack of prosecution, arguing that he "can pursue this claim *pro se* on behalf of his single member LLC and disregarded entity company because he is the founder and the only owner of his company" and because "the SBA's retaliation is directed toward [him] directly because of his federally protected classes, statuses, and federally protected activities." Appellant's Informal Br. at 19–20. We disagree. The Claims Court correctly found that, even when reading the correspondence with SBA that Dr. Aljindi provided, the SBA's action regarding the requested EIDL was directed at AI Net Group LLC and thus his claim is "on behalf of AI Net Group LLC, not Dr. Aljindi as an individual." *Claims Court Opinion*, at *4; Claims Court Compl. Ex. at 368 (SBA document confirming receipt of documents for an EIDL application for AI Net Group LLC). Under the Claims Court's Rule 83.1, Dr. Aljindi cannot represent AI Net Group LLC, and the Claims Court's dismissal, under its Rule 41(b), for Dr. Aljindi's failure to comply with this rule is not an abuse of discretion. *See Claims Court Opinion*, at *4. We therefore affirm the Claims Court's dismissal for lack of prosecution. *Id.*

We also agree with the Claims Court that if Dr. Aljindi brought this claim on behalf of himself, the Claims Court would lack jurisdiction because retaliation claims are tort claims. *Id.* at *4 & n.8; 28 U.S.C. § 1491(a)(1); *see Aljindi II*, at *1. To the extent Dr. Aljindi claims discrimination here, there is no basis for Claims Court jurisdiction over such a claim. *See Aljindi I*, at *1–2; *Aljindi II*, at *1–2; *Brown v. United States*, 105 F.3d 621, 623 (Fed. Cir. 1997).

C

Dr. Aljindi challenges the Claims Court's denial of his motion to disqualify, arguing that Judge Tapp denied his summary-judgment motion as moot "illegally and maliciously," that his "actions are criminal," and that his "motive was malicious and retaliatory." Appellant's Informal Br. at 20–21.[4] The assertions supply no basis for setting aside Judge Tapp's decision not to disqualify himself.

Dr. Aljindi cites to Judge Tapp's prior dismissals of his complaints, *id.*, but he has no right to a new judge because he has earlier lost before a given judge, and that judge has gained some knowledge of the litigant. *See Liteky v. United States*, 510 U.S. 540, 551 (1994) ("[N]ot subject to deprecatory characterization as 'bias' or 'prejudice' are opinions held by judges as a result of what they learned in earlier proceedings. It has long been regarded as normal and proper for a judge to sit in the same case upon its remand, and to sit in successive trials involving the same defendant."). He cites to various procedural orders, such as the court's grant of the government's motion for extension of time, Appellant's Informal Br. at 21–22, but those are simply examples of the court exercising its inherent authority to manage its docket, and nothing indicates that the court abused its discretion in exercising that discretion, much less did so in a way that supplies a ground for disqualification. Dr. Aljindi supplies no basis for suggesting misconduct in the assignment of the case to Judge Tapp. Rule 40.2 of the Claims Court's Rules requires that parties identify related cases in their complaint, RCFC 40.2(a)(1)–(3), and instructs that "the clerk will assign the case to the

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[4] Dr. Aljindi also claims to have filed, and cites to, other motions to disqualify other judges, but we decline to consider them as they are not relevant to the present case. *See, e.g.*, Appellant's Informal Br. at 6; Appx29, 31–34; Appellant's Informal Reply Br. at 2–3.

judge to whom the earliest-filed case is assigned," RCFC 40.2(a)(4)(A). Dr. Aljindi identified the case resulting in Judge Tapp's *SBA Opinion* (Case No. 21-1578C) as a related case, Claims Court Compl. at 1–2, and the clerk properly assigned Judge Tapp to the underlying case here pursuant to Rule 40.2(a)(4)(A), Notice of Direct Assignment. *See* Appellant's Informal Br. at 5–7. At bottom, Dr. Aljindi has no basis for asserting bias or prejudice except his own beliefs about Judge Tapp and Judge Tapp's prior dismissal. But "subjective beliefs about the judge's impartiality are irrelevant" in the objective test required by 28 U.S.C. § 455(a), *Allphin*, 758 F.3d at 1344, and Judge Tapp's past judicial rulings alone do not constitute a valid basis for recusal in this case, particularly as his opinions do not display "favoritism or antagonism that would make fair judgment impossible," *Liteky*, 510 U.S. at 555; *see Order* at 1–2. We thus affirm the Claims Court's denial of Dr. Aljindi's recusal motion.

III

We have considered Dr. Aljindi's remaining arguments and find them unpersuasive. We affirm the Claims Court's dismissal of Dr. Aljindi's complaint and denial of his motion to disqualify.

AFFIRMED

United States Court of Appeals for the Federal Circuit

AHMAD ALJINDI,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2024-1997

Appeal from the United States Court of Federal Claims in No. 1:24-cv-00242-DAT, Judge David A. Tapp.

JUDGMENT

THIS CAUSE having been considered, it is

ORDERED AND ADJUDGED:

AFFIRMED

FOR THE COURT

February 10, 2025
Date

Jarrett B. Perlow
Clerk of Court

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

AHMAD ALJINDI,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2024-1997

Appeal from the United States Court of Federal Claims in No. 1:24-cv-00242-DAT, Judge David A. Tapp.

ON PETITION FOR PANEL REHEARING AND REHEARING EN BANC

Before MOORE, *Chief Judge*, LOURIE, DYK, PROST, REYNA, TARANTO, CHEN, HUGHES, STOLL, CUNNINGHAM, and STARK, *Circuit Judges*.[1]

PER CURIAM.

O R D E R

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[1] Circuit Judge Newman did not participate.

On March 24, 2025, Ahmad Aljindi filed a combined petition for panel rehearing and rehearing en banc [ECF No. 29]. The petition was referred to the panel that heard the appeal, and thereafter the petition 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.

FOR THE COURT

April 23, 2025
Date

Jarrett B. Perlow
Clerk of Court

United States Court of Appeals for the Federal Circuit

AHMAD ALJINDI,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2024-1997

Appeal from the United States Court of Federal Claims in No. 1:24-cv-00242-DAT, Judge David A. Tapp.

MANDATE

In accordance with the judgment of this Court, entered February 10, 2025, and pursuant to Rule 41 of the Federal Rules of Appellate Procedure, the formal mandate is hereby issued.

FOR THE COURT

May 5, 2025
Date

Jarrett B. Perlow
Clerk of Court

In the United States Court of Federal Claims

No. 24-242
Filed: June 17, 2024

DR. AHMAD ALJINDI,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

MEMORANDUM OPINION AND ORDER

Pro se Plaintiff Dr. Ahmad Aljindi ("Dr. Aljindi") seeks $65.4 million as compensation for a Fifth Amendment takings claim and alleged retaliation by the Small Business Administration ("SBA"). (Compl. at 1–19, ECF No. 1). Simultaneously with the filing of his Complaint, Dr. Aljindi moved for summary judgment, repeating his claims, and further arguing the United States could not present "any persuasive evidence to defend" against his takings and retaliation claims. (*Compare* Compl. at 2–19, *with* Pl.'s Mot. for Summ. J. at 3–21, ECF No. 4).

Before the Court is the United States' Motion to Dismiss pursuant to Rules of the Court of Federal Claims ("RCFC") 12(b)(1) and (6). (Def.'s Mot., ECF No. 22). Because the Court finds that it lacks subject-matter jurisdiction and that Dr. Aljindi failed to state a claim upon which relief can be granted, the United States' Motion to Dismiss, (ECF No. 22), is granted and Dr. Aljindi's Motion for Summary Judgment, (ECF No. 4), is denied as moot. For reasons discussed below, the Court also dismisses Dr. Aljindi's retaliation claim.

Determining the Court's jurisdiction over a claim is a threshold inquiry. *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94–95 (1998). The Tucker Act grants this Court jurisdiction over claims (1) founded on an express or implied contract with the United States; (2) seeking a refund for a payment made to the government; and (3) arising from federal constitutional, statutory, or regulatory law mandating payment of money damages by the United States. 28 U.S.C. § 1491(a); *see also United States v. Testan*, 424 U.S. 392, 399 (1976). The burden of establishing subject-matter jurisdiction rests with the plaintiff, who must do so by a preponderance of the evidence. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992). Typically, the Court holds pro se plaintiff's pleadings to "less stringent standards" than those of lawyers, *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972), but pro se plaintiffs must still meet their jurisdictional burden. *Kelley v. Sec'y, U.S. Dep't of Labor*, 812 F.2d 1378, 1380 (Fed. Cir. 1987). If the Court determines that "it lacks jurisdiction over the subject matter, it must dismiss the claim." *Matthews v. United States*, 72 Fed. Cl. 274, 278 (2006).

When faced with a motion to dismiss for lack of subject-matter jurisdiction pursuant to RCFC 12(b)(1), dismissal "is warranted when, assuming the truth of all allegations, jurisdiction over the subject matter is lacking." *Palafox St. Assocs., L.P. v. United States*, 114 Fed. Cl. 773, 779 (2014) (internal citation omitted). To ascertain the propriety of its exercise of jurisdiction over a case the Court may look to evidence outside of the pleadings. *Rocovich v. United States*, 933 F.2d 991, 994 (Fed. Cir. 1991), *aff'd in relevant part*, *Martinez v. United States*, 281 F.3d 1376 (Fed. Cir. 2002). Further, dismissal is warranted under RCFC 12(b)(6) when "the facts asserted by the claimant do not entitle him to a legal remedy." *Lindsay v. United States*, 295 F.3d 1252, 1257 (Fed. Cir. 2002). Importantly, "[f]actual allegations must be enough to raise a right to relief above the speculative level on the assumption that all of the complaint's allegations are true." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 545 (2007); *see also Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) ("To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.' A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.") (Internal citation omitted). "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Twombly*, 550 U.S. at 555.

Dr. Aljindi claims that he pioneered research of the relationships between Information Security, Artificial Intelligence ("AI"), and Legacy Information Systems ("LIS"), and subsequently registered that research with the Library of Congress in December 2015. (Compl. at 2–15; Compl. Ex. at 9, ECF No. 1-2). Dr. Aljindi also claims that "prior to [his] scientific discoveries and research findings this knowledge and this property was undiscovered and did not exist to the entire world[.]" (Compl. at 6). Therefore, Dr. Aljindi asserts that any government research into the field "used" his copyrighted property in violation of the Fifth Amendment. (*Id.*).[1] For its part, the United States argues that Dr. Aljindi's taking claim is: (1) time-barred; (2) violates the doctrine of res judicata; (3) can be construed as a tort claim; and (4) not facially plausible and fails to state a claim. (Def.'s Mot. at 4–10). Despite the leniency afforded to pro se plaintiffs, the Court agrees with the United States and addresses each argument in turn.

First, "[e]very claim of which the United States Court of Federal Claims has jurisdiction shall be barred unless the petition thereon is filed within six years after such claim first accrues." 28 U.S.C. § 2501. Here, Dr. Aljindi alleges that the federal government first "used" his scientific discoveries in October 2016 when a subcommittee for the National Science and Technology Council published "The National [AI] Research and Development Strategic Plan." (Compl. at 6–7; Compl. Ex. at 206–53). However, Dr. Aljindi filed his Complaint on February 14, 2024, which falls outside so the Court cannot hear any claim accruing before February 14, 2018. (Compl. at

[1] Dr. Aljindi identifies the following "Fifth Amendment Takings Evidence:" (1) a National Science and Technology Council strategic plan for AI research and development published in October 2016, (Compl. at 6–7; Compl. Ex. at 205–53); (2) an Office of Director of National Intelligence ("ODNI") initiative for "augmenting intelligence using machines" published in January 2019 (Compl. at 7; Compl. Ex. at 254–79); (3) a Department of Defense ("DoD") AI strategy published in February 2019 (Compl. at 8; Compl. Ex. at 280–97); (4) a Department of Justice ("DOJ") data strategy published in February 2019, (Compl. at 7–8; Compl. Ex. at 298–311); and (5) a National Institute of Standards and Technology ("NIST") plan regarding AI published in August 2019, (Compl. at 8–9; Compl. Ex. at 312–364).

6–7; Compl. Ex. at 206–53). Therefore, the Court may hear the claims relating to ODNI, DoD, DOJ, and NIST, but Dr. Aljindi's claim relating to the National Science and Technology Council is time-barred. 28 U.S.C. § 2501.

Second, the Court is bound by the doctrine of res judicata or claim preclusion. *See Acumed LLC v. Stryker Corp.*, 525 F.3d 1319, 1323 (Fed. Cir. 2008) (explaining the term "res judicata" denotes the concept of claim preclusion); *see also Cunningham v. United States*, 748 F.3d 1172, 1179 (Fed. Cir. 2014) ("A claim is barred by res judicata when '(1) the parties are identical or in privity; (2) the first suit proceeded to a final judgment on the merits; and (3) the second claim is based on the same set of transactional facts as the first.'") (quoting *Ammex, Inc. v. United States*, 334 F.3d 1052, 1055 (Fed. Cir. 2003)). Claim preclusion occurs when "a judgment on the merits in a prior suit bars a second suit involving the same parties or their privies based on the same cause of action." *Acumed LLC*, 525 F.3d at 1323 (quoting *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 327 n.5 (1979)). Importantly, claim preclusion applies not only to the claims that were brought in that first action, but also to those that could have been brought. *Brain Life LLC v. Elekta, Inc.*, 746 F.3d 1045, 1053 (Fed. Cir. 2014). Put simply, claim preclusion prevents a party from relitigating claims it already or could have brought. *Id.*

In prior litigation,[2] Dr. Aljindi alleged that the United States infringed on his copyright when it "used [his] scientific work about 'Information Security, [AI], and [LIS] without giving him credit." (Def.'s Mot. Ex. 1 at 2, ECF No. 22-1); *Aljindi v. United States*, No. 21-1295C, 2021 WL 4807205, *1–2 (Oct. 15, 2021) ("*Aljindi I*"), *remanded in relevant part* 2022 WL 1464476 at *2 (Fed. Cir. May 10, 2022) ("*Aljindi II*").[3] Although that litigation was primarily for

[2] The Court conducted a cursory search on PACER and notes that Dr. Aljindi has also filed the following cases in district court and appeals in the Ninth Circuit against the United States: *Aljindi v. United States*, Case No. 8:18-cv-02301 (C.D. Cal. Jan. 8, 2019); *Aljindi v. United States*, Case No. 8:19-cv-01434 (C.D. Cal. Aug. 5, 2019) (finding Dr. Aljindi's complaint as "similarly infirm" as his previous complaint in *Aljindi*, Case No. 8:18-cv-02301); *Aljindi v. United States*, Case No 19-55926, Doc. No. 13 (9th Cir. Sept. 16, 2019) (appeal dismissed as frivolous); *Aljindi v. United States*, Case No. 8:20-cv-00002, Doc. No. 13 (C.D. Cal. Jan. 24, 2020) (dismissed on the same ground as *Aljindi* Case Nos. 8:18-cv-02301 and 8:19-cv-01434); *Aljindi v. United States*, Case No. 20-55111 (9th Cir. Aug. 7, 2020) (appeal dismissed as frivolous); *Aljindi v. United States*, Case No. 8:2020-cv-00796, Doc. No. 108 (C.D. Cal. Feb. 16, 2021); *Aljindi v. United States*, Case No. 20-55688 (9th Cir. July 23, 2020) (denying motion for reconsideration and specifying that "[n]o further filings will be entertained in this closed case."); *Aljindi v. United States*, Case No. 20-55166 (9th Cir. Aug. 16, 2021) (appeal dismissed as frivolous).

[3] Dr. Aljindi's claims of employment discrimination, theft of intellectual property, and negligence and tort were originally dismissed by this Court. *Aljindi I.* On appeal, the Federal Circuit affirmed dismissal on Dr. Aljindi's claims of employment discrimination and negligence and tort, but remanded-in-part so the Court could consider whether Dr. Aljindi provided the minimum required factual allegations to support a copyright infringement claim. *Aljindi II.* On remand, the Court determined Dr. Aljindi's copyright claims were not facially plausible and explained that a "topic" or "field" of study is not copyrightable, so the Court dismissed his complaint for failure to state a claim. *Aljindi v. United States*, No. 21-1295C, 2022 WL

copyright infringement, the Court also determined that Dr. Aljindi failed to state a Fifth Amendment takings claim. *Aljindi I*, at *2 ("Even assuming Plaintiff meant to allege a Fifth Amendment taking of his intellectual property, his allegations are not facially plausible without factual allegations about what the property consisted of, how it was taken, and what the government did with it."), *aff'd in relevant part*, *Aljindi II*, at *3 ("We agree with the trial court that Dr. Aljindi's [takings claim] 'allegations are not facially plausible without factual allegations about what the property consisted of, how it was taken, and what the government did with it.'"); *Aljindi IV*, at *2 n.3 ("[W]e affirmed [the] dismissal of this [Fifth Amendment takings] claim and remanded only for consideration of his copyright infringement claim.").[4]

Here, Dr. Aljindi is again suing the United States; the parties are identical. (Compl.); *Cunningham*, 748 F.3d at 1179. Further, Dr. Aljindi's previous takings claim reached final judgment on the merits because "[d]ismissals for failure to state a claim upon which relief can be granted are judgments on the merits, and, thus, entitled to res judicata effect." *eVideo Inc. v. United States*, 136 Fed. Cl. 164, 169 (2018), *aff'd* 748 F. App'x 327 (Fed. Cir. 2019); *see also Federated Dep't Stores, Inc. v. Moitie*, 452 U.S. 394, 399 n. 3 (1981) ("The dismissal for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6) is a 'judgment on the merits.'"). As explained above, both this Court and the Federal Circuit determined that Dr. Aljindi's takings claim was not facially plausible and therefore failed to state a claim. *Aljindi I*, at *2; *Aljindi II*, at *3; *Aljindi IV*, at *2 n.3. Accordingly, the Court proceeded to final judgment on the merits of Dr. Aljindi's original takings claim. *Cunningham*, 748 F.3d at 1179.

Similarly, Dr. Aljindi's present takings claim is based on the same set of transactional facts as his prior litigation in *Aljindi IV*. There, Dr. Aljindi alleged that DoD "used [his] scientific work about [Information Security, AI, and LIS] without giving him credit." (Def.'s Mot. Ex. 1 at 2). On appeal, Dr. Aljindi specified that the "Government used [his] property in ALL formal AI Strategies published by the federal government . . . as [he had] discovered this entire scientific field in its entirety." *Aljindi IV* at *2 (emphasis in original). Although Dr. Aljindi's prior claim initially focused on DoD's publications, he expanded his claim to encompass all federal government publications regarding Information Security, AI, and LIS. *Id.*; (Def.'s Mot. Ex. 1 at 2). That expansion is fatal. As highlighted above, Dr. Aljindi now cites several federal government publications to argue that the United States is again "using" his research. (Compl. at 6–9; Compl. Ex. at 205–364). The Court understands "ALL formal AI Strategies published by the federal government" to include the 2019 publications identified in the present complaint. *Aljindi IV* at *2; (Compl. at 6–9; Compl. Ex. at 205–364).[5] Therefore, Dr. Aljindi is attempting

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17330006 (Nov. 28, 2022) ("*Aljindi III*"). The Federal Circuit affirmed. *Aljindi v. United States*, No. 2023-1230, 2023 WL 2778689 (Apr. 5, 2023) ("*Aljindi IV*").

[4] To the extent that Dr. Aljindi's present Complaint relies on 28 U.S.C. § 1498(b) and reiterates his prior copyright infringement claim, the Court's claim preclusion analysis applies. *See Aljindi I–IV*. Therefore, the Court declines to address a copyright infringement claim in any detail.

[5] Even if the Court misconstrues Dr. Aljindi's present set of transactional facts, Dr. Aljindi *could have* brought his present claim because he cites publications from 2019 and he filed his initial complaint in 2021. *Brain Life LLC*, 746 F.3d at 1053.

to relitigate claims he already raised with the Court. *Cunningham*, 748 F.3d at 1179. Accordingly, Dr. Aljindi's takings claim is precluded.

Third, this Court lacks jurisdiction over tort claims. 28 U.S.C. § 1491(a)(1); *Rick's Mushroom Serv., Inc. v. United States*, 521 F.3d 1338, 1343 (Fed. Cir. 2008) ("The plain language of the Tucker Act excludes from the Court of Federal Claims jurisdiction [over] claims sounding in tort."). To the extent that Dr. Aljindi's present takings claim can be interpreted as intellectual property theft, the Court lacks jurisdiction to hear it. *Aljindi II* at *2–3 ("We therefore affirm the trial court's determination that it lacks jurisdiction to review Dr. Aljindi's tort claims, including . . . intellectual property theft.").

Fourth, it is well-settled that "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft*, 556 U.S. at 678. Dr. Aljindi alleges to have discovered the entire scientific field of Information Security, AI, and LIS. (Compl. at 2–15). He also argues that any government publications addressing this field necessarily violate his Fifth Amendment right. (*Id.* At 5 ("[E]verything built on top of [Dr. Aljindi's] taken property is [Dr. Aljindi's] property)). This is unavailing. The United States argues, and the Court agrees, such a claim is "too vague and implausible to survive a motion to dismiss." (Def.'s Mot. At 8). As stated above, "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Twombly*, 550 U.S. at 555.

Further, Dr. Aljindi appears to cherry-pick passages from government publications to show they "used" his research. (Compl. at 7–9). For example, Dr. Aljindi highlights that the NIST publication used the phrase "AI technologies and systems" and continued that IT can be used for "capture, storage, retrieval, processing, display, representation, security, privacy and interchange of data and information." (Compl. at 9). Based on the Court's judicial experience and common sense, it is not plausible that Dr. Aljindi "discovered this entire field in its entirety" and "everything built on top of" Dr. Aljindi's research is his property. (Compl. at 5–6); *Ashcroft*, 556 U.S. at 679 ("Determining whether a complaint states a plausible claim for relief [is] a context-specific task that requires the reviewing court to draw on its judicial experience and common sense."). Nothing provided by Dr. Aljindi even remotely supports his claim that he alone originated the relationship between information security, AI, and LIS. (*See generally* Compl.). Accordingly, Dr. Aljindi's takings claim is not facially plausible and fails to state a claim upon which relief can be granted.

Dr. Aljindi further claims that the SBA intentionally and systematically retaliated against him because he filed several lawsuits[6] and Equal Employment Opportunities ("EEO") claims involving the SBA. (*Id.* at 15–19). Specifically, Dr. Aljindi argues that the SBA intentionally retaliated against him when it denied the application for Economic Injury Disaster Loan ("EIDL") for his small business, AI Net Group LLC. (*Id.* at 15–19). The United States raises a litany of arguments on why the Court lacks jurisdiction over Dr. Aljindi's retaliation claim.

[6] Dr. Aljindi cites the following: (1) *Aljindi v. United States*, Case No. 8:20-cv-00796 (C.D. Cal. 2021) ("*Aljindi V*"); (2) *Aljindi I*; and (3) *Aljindi v. United States*, No. 21-1578C, 2021 WL 5177430 (Fed. Cl. Aug. 30, 2021) ("*Aljindi VI*") (assigned to the undersigned).

(Def.'s Mot. at 11–14). Although the Court disagrees with the United States' kitchen sink approach to Dr. Aljindi's retaliation claim, the Court agrees it must be dismissed.

Fundamentally, Dr. Aljindi is alleging that the SBA denied AI Net Group LLC's EIDL application because he asserted his EEO rights in federal courts. (Compl. at 16–17). To support his claim, Dr. Aljindi provided correspondence with the SBA about the loan status and apparent screenshots from the SBA's loan application portal. (Compl. Ex. at 385–414). Even when read liberally, the Court understands Dr. Aljindi's claim to be on behalf of AI Net Group LLC, not Dr. Aljindi as an individual. *Haines*, 404 U.S. at 520–21; (*see* Compl. at 15–19). The Court draws this conclusion because AI Net Group LLC's—not Dr. Aljindi's—EIDL application was denied. (Compl. at 16–17; Compl. Ex. at 385–414).

Critically, under RCFC 83.1, a pro se plaintiff may only represent himself.[7] In fact, RCFC 83.1 explicitly provides that a pro se litigant "may not represent a corporation, an entity, or any other person in any proceeding before this court." Therefore, any claims brought by Dr. Aljindi on behalf of AI Net Group LLC, are barred. *Id.* When a plaintiff fails to comply with this Court's rules, the Court may dismiss the complaint. RCFC 41(b) ("If the plaintiff fails to . . . comply with these rules . . . , the court may dismiss on its own motion[.]"); *e.g., Brewer v. United States*, 150 Fed. Cl. 248, 248–51 (2020) ("[A]s an unrepresented entity, plaintiff is in violation of RCFC 83.1(a)(3). Plaintiff's claims must be dismissed for lack of prosecution pursuant to RCFC 41(b)."). Accordingly, the Court will not address the retaliation claim[8] and must dismiss it for lack of prosecution under RCFC 41(b).

For the stated reasons, the United States' Motion to Dismiss, (ECF No. 22), is **GRANTED**. This matter is **DISMISSED** for lack of subject-matter jurisdiction under RCFC 12(b)(1), failure to state a claim upon which relief can be granted under RCFC 12(b)(6), and failure to prosecute under RCFC 41(b). Further, Dr. Aljindi's Motion for Summary Judgment, (ECF No. 4) is **DENIED AS MOOT**. Dr. Aljindi's Motion for Leave to Proceed *in forma pauperis*, (ECF No. 2), is **GRANTED**. The Clerk is **DIRECTED** to enter judgment accordingly.

The Clerk also is **DIRECTED TO REJECT** any future submissions in this case unless they comply with this Court's rules regarding post-dismissal submissions. The Court **CLARIFIES** that this provision does not act as an anti-filing injunction or a sanction. *Allen v. United States*, 88 F.4th 983, 989 (Fed. Cir. 2023) (holding that courts must provide pro se plaintiffs with notice and opportunity to be heard before issuing an anti-filing injunction). Dr. Aljindi is not enjoined from proper post-dismissal filings in this case, nor is Dr. Aljindi required

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[7] A limited exception exists under RCFC 83.1 for representation of immediate family members. *See Mandry v. United States*, 165 Fed. Cl. 170, 172 (2023) (discussing RCFC 83.1), *aff'd* No. 2023-1693, 2023 WL 7871692 (Fed. Cir. Nov. 16, 2023).

[8] The Court notes that retaliation claims are considered torts. *Baker v. United States*, 642 F. App'x 989, 991 (Fed. Cir. 2016) (identifying retaliation has "long been recognized as [a] tort claim[.]"). Even if this claim were brought on behalf of an individual, as discussed above, the Court lacks subject-matter jurisdiction over claims sounding in tort. 28 U.S.C. § 1491(a)(1).

to seek leave before filing future actions in this Court. *See id.* This provision is a mechanism to reject non-compliant filings in the above-captioned action once it is dismissed.

IT IS SO ORDERED.

David A. Tapp

DAVID A. TAPP, Judge

In the United States Court of Federal Claims

No. 24-242 C
Filed: June 17, 2024

DR. AHMAD ALJINDI
Plaintiff

v.

JUDGMENT

THE UNITED STATES
Defendant

Pursuant to the court's Memorandum Opinion and Order, filed June 17, 2024, granting defendant's motion to dismiss,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 41(b), that plaintiff's complaint is dismissed for failure to prosecute, for lack of subject-matter jurisdiction pursuant to RCFC 12(b)(1), and for failure to state a claim upon which relief can be granted pursuant to RCFC 12(b)(6).

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 $605.00, effective December 1, 2023.

In the United States Court of Federal Claims

No. 24-242
Filed: August 21, 2025

AHMAD ALJINDI,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ANTI-FILING INJUNCTION

When the courthouse doors are repeatedly forced open for vexation rather than vindication, the Court must act—not in reprisal, but to safeguard its constitutional function. Here, pro se Plaintiff Dr. Ahmad Aljindi ("Dr. Aljindi"), has demonstrated a sustained course of conduct marked by repetitive filings, identical legal theories, and collateral challenges to the Court's authority, despite consistent rulings denying relief. It must end. Therefore, Dr. Aljindi is hereby **ENJOINED** from making further pro se submissions in this jurisdiction without first obtaining leave of the Chief Judge or securing legal representation.[1]

"Courts of justice are universally acknowledged to be vested, by their very creation, with power to impose silence, respect, and decorum, in their presence, and submission to their lawful mandates." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991). A Court may, in its discretion, impose sanctions as it deems appropriate to address conduct that undermines the integrity of the proceedings. *See* RCFC 11. Anti-filing injunctions are an appropriate sanction "where a pro se litigant has engaged in repeated and frivolous lawsuits[.]" *O'Diah v. United States*, 722 F. App'x 1001, 1004 (Fed. Cir. 2018) (citing *Bergman v. Dep't of Commerce*, 3 F.3d 432, 435 (Fed. Cir. 1993); *In re Powell*, 851 F.2d 427, 430–31 (D.C. Cir. 1988)). Anti-filing injunctions are "an extreme remedy[;]" given their extreme nature, courts must "take great care not to unduly impair a litigant's constitutional right of access to the courts." *Hemphill v. Kimberly-Clark Corp.*, 374 F. App'x 41, 44–45 (Fed. Cir. 2010) (citations omitted).

In determining whether to restrict a litigant's future ability to sue, the Court should consider "whether a litigant who has a history of vexatious litigation is likely to continue to abuse the judicial process and harass other parties." *Eliahu v. Jewish Agency for Israel*, 919 F.3d

[1] Dr. Aljindi filed a new action in this Court after receiving the Show Cause Notice, (Order Denying 60(b) Mot., ECF No. 31), preceding this injunction. *Aljindi v. United States,* Case No. 25-1288 (Hadji, J.). Whether by design or coincidence, the timing of that filing places it outside the scope of this Order.

709, 714 (2d Cir. 2019) (citing *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986)). Before issuing any sanction, the Court must undertake a careful review of the record and the relevant procedural history. *O'Diah*, 722 F. App'x at 1004. Other Courts have identified specific factors that should be weighed when determining whether to issue an anti-filing injunction:

> (1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing[,] or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate[.]

Iwachiw v. N.Y. State Dep't of Motor Vehicles, 396 F.3d 525, 528 (2d Cir. 2005) (per curiam) (quoting *Safir*, 792 F.2d at 24). Before a trial court may impose an anti-filing injunction, the litigant must be provided with notice that such a sanction is being considered and an opportunity to be heard on the question of whether it should be imposed.[2] *Allen v. United States*, 88 F.4th 983, 988 (Fed. Cir. 2023).

This case is Dr. Aljindi's third attempt in this Court to relitigate claims rooted in either his alleged creation of Artificial Intelligence or perceived judicial misconduct. Dr. Aljindi previously initiated two pro se actions, one assigned to the undersigned and the other to another judge of this Court, both seeking $32.7 million in damages. *See* Case No. 21-1295 (Shwartz, J.); Case No. 21-1578 (Tapp, J.). For his first action in April 2021, Dr. Aljindi alleged employment discrimination, intellectual property violations stemming from the purported use of his dissertation, negligence, and judicial misconduct. *Aljindi v. United States*, No. 21-1295C, 2021 WL 4807205, at *1–2 (Fed. Cl. Oct. 15, 2021) (Schwartz, J.). The Court dismissed all claims, finding it lacked jurisdiction over most and that the takings claim was factually deficient. *Id.* Dr. Aljindi appealed that decision; the Federal Circuit affirmed the dismissals but remanded for consideration of a possible copyright infringement claim. *Aljindi v. United States*, No. 21-1295C, 2022 WL 1464476, at *1 (Fed. Cir. May 10, 2022), *cert denied* 143 S. Ct. 436 (2022). On remand, the Court dismissed the allegations as concerning uncopyrightable subject matter, and the Federal Circuit affirmed. *Aljindi v. United States*, No. 21-1295C, 2022 WL 17330006, at *1–2 (Fed. Cl. Nov. 28, 2022), *aff'd*, *Aljindi v. United States*, No. 23-1230C, 2023 WL 2778689, at *2–3 (Fed. Cir. Apr. 5, 2023).

In his second action, filed in July 2021, Dr. Aljindi accused judges in other courts of judicial misconduct stemming from their dismissal of his intellectual property claims and contested the Small Business Administration's ("SBA") response to his application for an Economic Injury Disaster Loan. *Aljindi v. United States*, No. 21-1578C, 2021 WL 5177430 (Fed. Cl. Aug. 30, 2021) (Tapp, J.). The Court dismissed the judicial misconduct claim for lack of jurisdiction and failure to state a claim, noting the absence of a final agency decision and failure

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[2] Following Dr. Aljindi's motion to reopen this action, the Court directed him to show cause as to why the Court should not subject him to an anti-filing injunction. (Order Denying 60(b) Mot. at 5).

to pursue administrative remedies. *Id.* In that Opinion, the Court recapitulated Dr. Aljindi's litigation in other jurisdictions, reflecting a recurring pattern of vexatious conduct.[3] *Id.* at *1–2.

For his third act—the case at bar—Dr. Aljindi sought $65.4 million for alleged Fifth Amendment takings and retaliation by the Small Business Administration ("SBA"), based on claims that the government misappropriated his copyrighted research linking Information Security, Artificial Intelligence, and Legacy Information Systems. (Compl. at 1–19, ECF No. 1). Within a week of filing suit, Dr. Aljindi moved to disqualify the undersigned, alleging bias based on the outcome of his previous case. (ECF No. 8). The Court dismissed the action and denied his motion to disqualify, finding no evidence of bias or misconduct. (ECF No. 26); *Aljindi v. United States*, No. 24-242, 2024 WL 3024654, at *1, *5 (Fed. Cl. June 17, 2024).[4] On appeal, the Federal Circuit affirmed the dismissal. *Aljindi v. United States*, No. 2024-1997, 2025 WL 440123, at *1 (Fed. Cir. Feb. 10, 2025). The Circuit likewise upheld the denial of disqualification, emphasizing that adverse rulings and docket management do not constitute judicial bias. *Id.* at 5.

Marking yet another chapter in Dr. Aljindi's ongoing effort, Dr. Aljindi returned to the Court seeking to resurrect a series of baseless allegations against both the undersigned and the Circuit. (Order Denying 60(b) Mot. Supp., ECF No. 31-1). Dr. Aljindi framed his request to "reopen" his case under RCFC 60(b) due to what he perceived to be "a brazen pattern of judicial crimes—docket tampering, evidence suppression, factual fabrication, legal perversion, deliberate obstruction of justice, and post-judgment directives designed to thwart accountability." (*Id.* at 1). The filing reflected a broad challenge to prior proceedings and institutional integrity across several forums; Dr. Aljindi used it as a platform to assert claims of appellate misconduct following a bribery scandal, institutional coverups by the Supreme Court, purported hate crimes and abuse involving the Federal Circuit and Court of Federal Claims (including the undersigned), and assertions of discriminatory conduct by the Department of Justice and the Equal Employment Opportunity Commission. (*Id.* at 2).

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[3] On April 24, 2020, Dr. Aljindi filed a fourth lawsuit in the Central District of California, alleging employment discrimination, negligence, torts, and unauthorized publication of his scientific work. *Aljindi v. United States*, Case No. 8:20-cv-00796 (C.D. Cal. 2021). He named twelve federal officials, claiming they denied him employment and infringed his intellectual property. *See id.* This followed *three* prior suits dismissed as frivolous. *See Aljindi*, No. 21-1578C, 2021 WL 5177430, at *1. The first was rejected as incoherent and implausible. *Aljindi v. United States*, Case No. 8:18-cv-02301, Doc. No. 8 (C.D. Cal. Jan. 8, 2019). The second and third were similarly dismissed, as were the related appeals. *Aljindi v. United States*, Case No. 8:19-cv-01434, Doc. No. 8 (C.D. Cal. Aug. 5, 2019) (finding Dr. Aljindi's complaint as "similarly infirm" as his previous complaint); *Aljindi v. United States*, Case No 19-55926, Doc. No. 13 (9th Cir. Sept. 16, 2019) (appeal dismissed as frivolous); *Aljindi v. United States*, Case No. 8:20-cv-00002, Doc. No. 13 (C.D. Cal. Jan. 24, 2020); *Aljindi v. United States*, Case No. 20-55111 (9th Cir. Aug. 7, 2020) (appeal dismissed as frivolous).

[4] In that Order, the Court again cited Dr. Aljindi's eight other cases in district courts and appeals in the Ninth Circuit against the United States. *Aljindi*, 2024 WL 3024654, at *2 n.2.

On July 31, 2025, the Court denied Dr. Aljindi's request to reconsider the Court's earlier dismissal; it found that Dr. Aljindi's allegations were untimely, unsupported, baseless, and "an affront to judicial impartiality." (Order Denying 60(b) Mot. at 3, ECF No. 31 (citing *Denton v. Hernandez*, 504 U.S. 25, 33 (1992) ("[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them."); *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (defining pleading as frivolous "where it lacks an arguable basis either in law or in fact."); *In re Cashion Fam. Tr.*, 669 B.R. 341, 384 (Bankr. D. Nev. 2025) (holding that pleadings and allegations are frivolous when they are baseless and made without a reasonable and competent inquiry))). Given Dr. Aljindi's latest unsupported assertions, his repeated attempts to relitigate matters already resolved, and the continued reliance on unfounded claims, the Court ordered Dr. Aljindi to show cause as to why he should not be enjoined from future filings in this Court. (*Id.* at 5 (citing *Allen*, 88 F.4th at 988)).

In response, Dr. Aljindi, loquacious as ever, filed not one but *two* documents. The first he titled as "Plaintiff's Combined Motion to Reconsider and Reopen Case Under RCFC 59(a) and 60(b) by an Impartial Judge for Fraud on the Court; Motion to Strike and Vacate Order (ECF 31) for Fraud Escalation and Judicial Misconduct; Motion to Disqualify Judge David A. Tapp for Bias and Non-judicial Acts; and Opposition to Show-Cause Order for Anti-Filing Injunction." (Pl.'s Show Cause Resp., ECF No. 32). Notably, the Clerk docketed this filing as "Plaintiff's Opposition to Show Cause Order[.]" The second filing seeks to correct that docket text pursuant RCFC 60(a), citing a clerical error and alleging fraud. (ECF No. 33). The Court addresses these in reverse order.

As an initial point, the text of a docket entry is administrative in nature and does not bear upon the Court's substantive consideration of the filing. It does not affect the merits or outcome of a proceeding. Although Dr. Aljindi's document expands upon the scope of the Court's Show Cause Order, as the docket text would suggest, the Court has reviewed the submission in full, and Dr. Aljindi suffers no prejudice from the docket text itself. Even so, the Court previously directed the Clerk to reject "any future submissions in this case unless they comply with this Court's rules regarding post-dismissal submissions[.]" *Aljindi*, 2024 WL 3024654, at *5. The Court's Order directed a response from Dr. Aljindi *solely* to the Show Cause Order. Accordingly, the docket entry accurately reflects the scope of the Order and does not contain any misrepresentation. Dr. Aljindi's motion to correct the docket text, (ECF NO. 33), is therefore **DENIED**.

The Court next considers Dr. Aljindi's response to the Show Cause Order and finds that it reiterates previously rejected assertions and continues a pattern of unsupported and inflammatory allegations. In fact, it begins with motions for reconsideration, to strike and vacate the Court's order denying relief under RCFC 60(b), and for the undersigned to disqualify himself. (Pl.'s Show Cause Response at 5–8). Before scaling the mountain, the Court begins with the first foothold: Dr. Aljindi's misinterpretations and half-truths.

First, Dr. Aljindi states, "[Judge] Tapp's formally proven hate crimes are an intentional and systemic malicious attack against the judicial impartiality, the United States Constitution, the public trust in our courts, 'WE THE PEOPLE.' He was found guilty and in contempt of our courts, 'WE THE PEOPLE.'" (Pl.'s Show Cause Resp. at 2 (incoherence in original)). He offers

no citation to support this proposition, and the undersigned remains unaware of having been convicted of any offense. Second, Dr. Aljindi asserts that "[Judge] Tapp directed the clerk to tamper with the docket, refuse to file the Motion to Reopen (ECF 31-1), issue a defect memo, and forge docket text by falsely labeling it under '69(B)' instead of 60(b)." (*Id.* at 3). Dr. Aljindi's mischaracterization of the Court's administrative procedures is unsupported and immaterial. His RCFC 60(b) motion was filed post-appeal, outside the scope of any operative order or rule, and appropriately triggered a defect memo—an internal notification process for procedurally deficient filings. As previously noted, docket text carries no weight in the Court's substantive analysis. The inclusion of a scrivener's error had no bearing on the Court's reasoning, which references RCFC 60(b) thirty-three times and makes no mention of "Rule 69(b)," a rule that does not exist. More fundamentally, Dr. Aljindi's allegations overlook the fact that the Court *accepted* and ruled on his filing. (Order Denying 60(b) Mot. at 1 ("'Plaintiff's Motion to Reopen Case Under Rule 60(b) for Fraud on the Court,' is accepted and filed by the Court's leave.")). The Court appended the document as a Supplement to the Order, which Dr. Aljindi himself cites. (*Id.* Supp.; Pl.'s Show Cause Resp. at 3). Further, Dr. Aljindi wrongly equates the lack of government representation with malice on the Court's part—a misreading of RCFC 11(c)(3), which expressly authorizes sua sponte sanctions without counsel's involvement. (*See* Pl.'s Show Cause Resp. at 3). Accordingly, the absence of government counsel offers no support for Dr. Aljindi's claim and reflects a misapprehension of the governing rule.

Of greater significance, Dr. Aljindi states that, through this filing, "[Judge] Tapp is formally notified that he is named as Doe 1 in the sealed Bivens complaint filed [August 11, 2025] in [the Central District of California.]" (Pl.'s Show Cause Resp. at 3 (citing Exhibit K)). While Dr. Aljindi's Exhibit K resembles a legal filing, its redactions render its content indiscernible. Further, the undersigned has not been informed of any such litigation, and PACER reflects no record of it. Even so, the mere fact that a judge has been involved in litigation with a party does not, standing alone, compel recusal under any governing rule. *See Green v. 1900 Cap. Tr. II by U.S. Bank Tr. Nat'l Ass'n*, 619 B.R. 121, 133 (D. Md. 2020), *aff'd sub nom. Green v. Shellpoint Mortg. Servicing*, 834 F. App'x 18 (4th Cir. 2021); *Strange v. Islamic Republic of Iran*, 46 F. Supp. 3d 78, 85 (D.D.C. 2014); *In re Taylor*, 417 F.3d 649, 652 (7th Cir. 2005); *Del Vecchio v. Illinois Dept. of Corrections*, 31 F.3d 1363, 1375 (7th Cir.1994) (en banc); *United States v. Watson*, 1 F.3d 733, 735 (8th Cir. 1993); *United States v. Grismore*, 564 F.2d 929, 933 (10th Cir. 1977). Courts reject a per se disqualification rule to prevent judge-shopping through strategic lawsuits against the presiding judge. *United States v. Quintanilla*, 114 F.4th 453, 469 (5th Cir. 2024) (citing *Grismore*, 564 F.2d at 933 ("A judge is not disqualified merely because a litigant sues or threatens to sue him.")). Stated differently, a party may not manufacture a judicial conflict by initiating litigation against the presiding judge. Dr. Aljindi appears to be employing the same tactic he has used with other judges, suing the presiding officer and hoping for the best. While Dr. Aljindi is within his constitutional rights to file suit, exercising that right in this context does little to bolster his position—and certainly does not entitle him to a different judge. Ultimately, Dr. Aljindi offers no basis for reconsideration or vacatur of the Court's prior order, and no grounds warranting recusal by the undersigned.

Having cleared the procedural brush, the Court turns to Dr. Aljindi's cause as to why an anti-filing injunction should not be issued against him. In sum, Dr. Aljindi contends that the proposed injunction infringes his First Amendment and due process rights, amounts to

retaliation, and serves as another blow from the judiciary aimed squarely at him. (Pl.'s Show Cause Resp. at 8–10). These arguments are not compelling and do not adequately show cause. While it is true that access to the federal courts constitutes a fundamental right, that right is not absolute. *See Allen*, 88 F.4th at 987. Federal courts possess inherent authority to impose sanctions for conduct undertaken in bad faith, including the pursuit of vexatious or abusive litigation. *Chambers*, 501 U.S. at 46. When a litigant has engaged in this sort of bad faith litigation, Courts must comply with the mandates of due process. *Id.* at 50. Here, the Court's inherent authority to curb Dr. Aljindi's abusive filings is paramount, but the operative term is *abusive*. Dr. Aljindi's First Amendment rights remain intact; the injunction does not impose a categorical bar on his ability to seek redress. Should he possess a meritorious claim, he may still pursue it in this Court—subject to obtaining prior authorization from the Chief Judge. Moreover, the anti-filing order and its limitations apply solely to Dr. Aljindi's pro se submissions. If represented by counsel, he may initiate a meritorious action without seeking such approval. The Court has fulfilled its due process obligations by affording Dr. Aljindi an opportunity to respond to the proposed anti-filing injunction. He has failed to meaningfully do so, choosing instead to till the same barren soil where his arguments have already failed to take root.

Dr. Aljindi fatally interpreted the Court's previous directive as an invitation to collaterally attack the Court's Order. Specifically, Dr. Aljindi asserts that the Order denying him 60(b) relief is evidence of "docket tampering, evidence suppression, factual fabrication, legal perversion, deliberate obstruction of justice, and post-judgment directives designed to thwart accountability[,]" "unworthy of the ink it was written with or the time wasted reading it[.]" (Pl.'s Show Cause Resp. at 2 (citing Order Denying 60(b) Mot.)). Consistent with prior filings, Dr. Aljindi offers neither relevant authority nor coherent reasoning, relying instead on volume as a proxy for substance. Simply put, accusations do not evince cause. The Court has expended considerable resources addressing these matters and finds no justification for continued engagement.

Dr. Aljindi has completed the procedural equivalent of screaming from the rooftops. Beyond this Court, he sought review from the California District Court, the Ninth Circuit, the Federal Circuit, and even the Supreme Court of the United States. (*See supra* pp. 1–3 and note 3). To reiterate the Court's prior finding, "[w]here several courts have consistently found no basis for relief, the issue may rest with the merits of the claims rather than the reasons invoked for dismissal." (Order Denying 60(b) Mot. at 5). While persistence has its place, the continued presentation of misconduct allegations and previously rejected arguments in a terminated proceeding is a misuse of judicial process and must cease. As another tribunal recently recognized:

> Every litigant is entitled to be heard. And this Court has listened — patiently, repeatedly, and at great length. But a litigant is not entitled to be heard forever, nor to use the Court's process as a platform to relitigate settled questions, to hurl accusations untethered to evidence, or to disrupt the fair administration of justice.

In re Vital Pharms., Inc., No. 22-17842-PDR, ___ B.R. ___, 2025 WL 2016291, at *1 (Bankr. S.D. Fla. July 17, 2025). Dr. Aljindi has demonstrated a pattern of vexatious and duplicative litigation. At this juncture, it is not reasonable to conclude that he could maintain an objective,

good-faith expectation of success. Dr. Aljindi's persistent pattern of meritless filings has placed an undue strain on judicial resources and personnel. Filings previously deemed frivolous by other Courts have not deterred Dr. Aljindi. The totality of the record indicates that a lesser sanction, such as an admonition, would likely prove ineffective in curbing future misuse of judicial resources.

Effective immediately, Dr. Aljindi is **ENJOINED** from filing new complaints pro se in this Court without first obtaining leave to file from the Chief Judge. If Dr. Aljindi seeks to file a new complaint in this Court, he shall move for leave to file and explain why the new complaint is timely and properly before this Court. Any such motion must attach a proposed complaint meeting RCFC 8's pleading standards. Dr. Aljindi may file a new complaint if the complaint is signed and filed by an attorney who is duly licensed and authorized to practice law under the laws of at least one state or territory of the United States or the District of Columbia, and is a member in good standing of the Bar of the United States Court of Federal Claims. Finally, the Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith because Dr. Aljindi is a vexatious litigant.

IT IS SO ORDERED.

David A. Tapp

DAVID A. TAPP, Judge