

Peter Polinski, appearing pro se, appeals from the United States Court of Federal Claims (Claims Court) decision dismissing his complaint for failure to prosecute. See *Polinski v. United States*, No. 24-2136C, 2025 WL 462603 (Fed. Cl. Feb. 11, 2025) (*Decision*). For the following reasons, we *affirm*.

BACKGROUND

On December 26, 2024, Mr. Polinski filed a complaint in the Claims Court alleging the “unlawful seizure” of General Services Administration (GSA) bonds and “a bill of exchange valued at \$66,000,000” by the Richfield Town Court as well as misappropriation by the New York State Treasurer. SAppx 8.¹ He claimed violations of his rights under the Fourth, Fifth, and Thirteenth Amendments, as well as damages arising from tortious actions committed by the Government. He sought \$468,000,000 in compensatory and punitive damages.

Mr. Polinski moved to proceed *in forma pauperis*, but his application was incomplete because he omitted his date of last employment, amount of salary per month, and explanation of how he was paying his expenses. SAppx 4. The Claims Court deemed the motion defective and ordered Mr. Polinski to either file a completed *in forma pauperis* application, or pay the filing fee by February 10, 2025. *Id.* The Claims Court warned that if Mr. Polinski “fail[ed] to comply with this order, this action shall be dismissed without prejudice for failure to prosecute under Rule 41 of the Rules of the United States Court of Federal Claims.” *Id.*

Mr. Polinski filed another *in forma pauperis* application on January 30, 2025. On February 11, 2025, the court dismissed the complaint, without prejudice, for failure to prosecute. The Claims Court explained that Mr. Polinski’s

¹ “SAppx” refers to the supplemental appendix filed with the government’s informal response brief.

second application was “again incomplete” and “lack[ed] credibility” because he stated that he had no expenses, no income for six years, did not own any property, and only had 33 cents in the bank. *Decision*, 2025 WL 462603 at *1. The court entered judgment on February 14, 2025. SAppx 2.

Mr. Polinski now appeals to this court. We have jurisdiction under 28 U.S.C. § 1295(a)(3).

DISCUSSION

Under Rule 41(b) of the Rules of the United States Court of Federal Claims, the Claims Court may dismiss a case on its own motion, “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order.” RCFC 41(b). We apply an abuse of discretion standard in reviewing the Claims Court’s decision to dismiss for failure to prosecute. *Claude E. Atkins Enters., Inc. v. United States*, 899 F.2d 1180, 1183 (Fed. Cir. 1990).

The Claims Court issued an order directing Mr. Polinski to either file a completed *in forma pauperis* application or pay a filing fee. SAppx 4. The order explicitly informed Mr. Polinski that his case would be dismissed if he failed to comply by February 10, 2025. *Id.* Because Mr. Polinski failed to file a completed form or pay the required filing fee by the deadline, the Claims Court did not abuse its discretion in dismissing his complaint for failure to prosecute pursuant to Rule 41(b) of the Rules of the Court of Federal Claims. *See Claude*, 899 F.2d at 1183 (explaining that we will not disturb a decision to dismiss for failure to prosecute unless “we are left with a definite and firm conviction that the [Claims Court] committed a clear error of judgment” (citations and internal quotation marks omitted)).

On appeal, Mr. Polinski does not address his failure to comply with the Claims Court’s order. Instead, he argues that the court erred in dismissing his complaint for lack of jurisdiction. However, the Claims Court did not reach the

jurisdictional question, dismissing solely for failure to prosecute. *Decision*, 2025 WL 462603 at *1; SAppx 2. Accordingly, we need not address Mr. Polinski's jurisdictional arguments.

We have considered Mr. Polinski's remaining arguments and find them unpersuasive. For the foregoing reasons, we *affirm* the decision of the Claims Court.

AFFIRMED

COSTS

No costs.

APPENDIX D

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment V (Takings and Due Process Clauses)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

28 U.S.C. § 1491 (Tucker Act)

(a)(1) The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort. [Include remaining language as desired.]

Rule 41(b), Rules of the United States Court of Federal Claims

If the plaintiff fails to prosecute or to comply with these rules or a court order, the court may dismiss on its own motion or on motion by the defendant. Unless the dismissal order states otherwise, a dismissal under this subdivision and any dismissal not under this rule—except one for lack of jurisdiction, improper venue, or failure to join a party—operates as an adjudication on the merits.

28 U.S.C. § 1254(1)

Cases in the courts of appeals may be reviewed by the Supreme Court by writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree.

28 U.S.C. § 2101(c)

Any writ of certiorari intended to bring any judgment or decree in a civil action, suit, or proceeding before the Supreme Court for review shall be applied for within ninety days after the entry of such judgment or decree.

(End of Appendix D)

In the United States Court of Federal Claims

(Pro Se)

PETER JOSEPH POLINSKI,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

No. 24-2136C

(Filed: February 11, 2025)

ORDER

Plaintiff Peter Polinski, proceeding pro se, filed this action on December 26, 2024. Compl., Docket No. 1. In lieu of paying the filing fee, Mr. Polinski filed an application to proceed in forma pauperis. Docket No. 2. However, the application omitted key information and was denied by this Court on January 8, 2025. Docket No. 5. The Court ordered Mr. Polinski to either pay the filing fee or submit a complete in forma pauperis application by February 10, 2025. Id.

Mr. Polinski filed a second application to proceed in forma pauperis on January 30, 2025. Docket No. 7. The application is again incomplete. Moreover, it lacks credibility. Mr. Polinski states that he has had no income for six years, that he does not own any property, and that he has only 33 cents in the bank. He still does not explain how, given his lack of income (or savings for that matter), he is able to pay his expenses. Instead, he states that he has “no expenses.”

Mr. Polinski’s application to proceed in forma pauperis is **DENIED**. Further, pursuant to this Court’s order of January 8, 2025, and Rule 41(b) of the Rules of the Court of Federal Claims, this action is **DISMISSED without prejudice** for failure to prosecute. The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.



ELAINE D. KAPLAN
Chief Judge

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