

NOTE: This disposition is nonprecedential.

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

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**PETER JOSEPH POLINSKI,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2025-1561

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Appeal from the United States Court of Federal Claims  
in No. 1:24-cv-02124-EGB, Senior Judge Eric G. Bruggink.

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Decided: September 4, 2025

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PETER JOSEPH POLINSKI, Marcy, NY, pro se.

TARA K. HOGAN, Commercial Litigation Branch, Civil  
Division, United States Department of Justice, Washing-  
ton, DC, for defendant-appellee. Also represented by  
PATRICIA M. MCCARTHY, BRETT SHUMATE.

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Before TARANTO, CHEN, and STOLL, *Circuit Judges*.  
PER CURIAM.

Peter Joseph Polinski appeals from the decision of the United States Court of Federal Claims (Claims Court) dismissing his complaint for lack of jurisdiction. SAppx<sup>1</sup> 1–3. For the following reasons, we *affirm*.

#### BACKGROUND

In December 2024, Mr. Polinski filed a complaint in the Claims Court, broadly alleging that the Schuyler Town Court, which is a New York state court, and the New York State Treasurer unlawfully seized certain of his assets. SAppx 11–19. The complaint asserted several counts against these New York defendants, including multiple tort claims and alleged violations of the Fourth, Fifth, and Thirteenth Amendments. *Id.* Mr. Polinski also listed the United States as a defendant, alleging liability “through its failure to ensure the proper discharge of obligations by the New York State Treasurer.” *Id.* at 16. He sought \$468,000,000 in damages. *Id.* at 19.

The Claims Court *sua sponte* dismissed Mr. Polinski’s complaint for lack of subject-matter jurisdiction. SAppx 1–3. The Claims Court explained that it lacked jurisdiction over the New York defendants because it may adjudicate claims only against the United States. *Id.* at 3. The Claims Court further found that the complaint failed to identify any money-mandating source of law and concluded that it lacked jurisdiction over tort claims or claims based upon the Fourth Amendment, the Due Process Clause of the Fifth Amendment, or the Thirteenth Amendment. *Id.*

#### DISCUSSION

We review the Claims Court’s dismissal of a complaint for lack of subject matter jurisdiction *de novo*. *Diversified Grp. Inc. v. United States*, 841 F.3d 975, 980 (Fed. Cir.

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<sup>1</sup> “SAppx” refers to the supplemental appendix filed by the government.

2016). The Claims Court's jurisdiction is generally limited to a monetary claim against the United States based on a contract, the Constitution, or other money mandating source of federal law not sounding in tort. 28 U.S.C. § 1491; *see Boeing Co. v. United States*, 119 F.4th 17, 21 (Fed. Cir. 2024). The Claims Court was correct that Mr. Polinski's complaint failed to assert such a claim.

The complaint primarily challenged actions taken by New York state and local officials and entities. SAppx 12–16. However, the Claims Court lacks jurisdiction over claims against anyone other than the United States. *See* 28 U.S.C. § 1491(a)(1); *United States v. Sherwood*, 312 U.S. 584, 587–88 (1941). Additionally, the Claims Court lacks jurisdiction over tort claims, *see* 28 U.S.C. § 1491(a)(1), and over claims founded upon non-money-mandating sources of law such as those based on the Fourth Amendment, *see Brown v. United States*, 105 F.3d 621, 623 (Fed. Cir. 1997), the Due Process Clause of the Fifth Amendment, *LeBlanc v. United States*, 50 F.3d 1025, 1028 (Fed. Cir. 1995), or the Thirteenth Amendment, *Brashear v. United States*, 776 F. App'x 679, 682 (Fed. Cir. 2019) (*per curiam*).

On appeal, Mr. Polinski argues that the Claims Court adopted an “overly restrictive interpretation of its jurisdiction,” asserting that various alleged actions and failures by the United States—including “the failure to redeem a federal obligation” and “systemic corruption”—amount to a taking under the Fifth Amendment. Appellant's Informal Br. 6. These sweeping assertions are insufficient to demonstrate that his complaint asserts a takings claim against the United States. *See Boeing Co. v. United States*, 968 F.3d 1371, 1383 (Fed. Cir. 2020) (explaining that “essentially fictitious” and “obviously frivolous” claims are beyond the Claims Court's jurisdiction (citation omitted)). Mr. Polinski also raises various allegations of criminal conduct, *see* Appellant's Informal Br. 6–9, but the Claims Court

lacks jurisdiction over criminal matters. *See Joshua v. United States*, 17 F.3d 378, 379–80 (Fed. Cir. 1994).

CONCLUSION

We have considered Mr. Polinski's remaining arguments and find them unpersuasive. Accordingly, we *affirm*.

AFFIRMED

COSTS

No costs.

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

No. 24-2124

(Filed: February 18, 2025)

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PETER JOSEPH POLINSKI,

*Plaintiff,*

v.

THE UNITED STATES,

*Defendant.*

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**ORDER**

Plaintiff, proceeding *pro se*, filed this civil action against the United States on December 23, 2024. Plaintiff concurrently filed a defective motion to proceed *in forma pauperis*, ECF No. 2, which plaintiff later refiled per this court's January 2, 2025, order, *see* ECF Nos. 5–6. Now, we grant plaintiff's motion to proceed *in forma pauperis* and dismiss plaintiff's complaint for lack of subject matter jurisdiction under Rule 12(h)(3).

Plaintiff—a self-styled “private attorney general”—purports to represent his sister<sup>1</sup> in a suit against state and federal entities. ECF No. 1 at 4.

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<sup>1</sup> Plaintiff cannot represent his sister. In all United States courts, “parties may plead and conduct their own cases personally.” 28 U.S.C. § 1654. But the statute does not authorize *pro se* parties to represent their siblings. *E.g.*, *Park v. Portage*, 385 F. App'x 118, 121 (3rd Cir. 2010) (“[A] non-attorney . . . [is] authorized to represent himself before the [federal court], but he [is] not permitted to represent his siblings.”); *see also Elustra v. Mineo*, 595 F.3d 699, 704 (7th Cir. 2010) (“Normally, representative parties such as next friends may not conduct litigation *pro se*; pleadings may be brought before the court only by parties or their attorney.”); *Perry v. Stout*, 20 F. App'x 780, 782 (10th Cir. 2001) (“Non-attorney *pro se* litigations

He claims that he is “interven[ing]” in a state court proceeding “to address the unlawful seizure of GSA bonds[] and a bill of exchange valued at \$66,000,000.” *Id.* Plaintiff asserts that a New York court stole those assets, and that the New York State Treasurer and the United States are complicit in that theft. *Id.* at 4–5. Specifically, plaintiff claims that he intervened in state court on behalf of his sister and provided the court with bonds to settle the case. *Id.* at 5. Separately, plaintiff sent a check to the New York State Treasurer to likewise settle the case. *Id.* at 7. The state court, according to plaintiff, did not process the bonds and misappropriated the funds. *Id.* at 5. Plaintiff further claims that the New York State Treasurer did not redeem the settlement check in violation of federal law.<sup>2</sup> *Id.* at 7. Plaintiff concludes that the United States is liable for the New York defendants’ misconduct because the United States is obligated to discharge debts. *Id.* As a result, plaintiff requests damages totaling \$468,000,000, as well as declaratory and injunctive relief. *Id.* at 5–9, 11–12.

We may raise the issue of subject matter jurisdiction on our own. RCFC 12(h)(3). We hold *pro se* litigants to looser pleading standards, but they still must establish our jurisdiction by a preponderance of the evidence. *Jaye v. United States*, 781 F. App’x 994, 996 (Fed. Cir. 2019).

The Tucker Act grants this court jurisdiction over certain claims for money damages against the United States founded upon the United States Constitution, federal statutes, executive regulations, or government contracts. 28 U.S.C. § 1491(a)(1); *United States v. Mitchell*, 463 U.S. 206, 215–18 (1983). The Tucker Act does not itself create a cause of action; rather, “to come within the jurisdictional reach and the waiver of the Tucker Act, a plaintiff must identify a separate source of substantive law that creates the right to money damages.” *Fisher v. United States*, 402 F.3d 1167, 1172 (Fed. Cir. 2005) (en banc). Plaintiff’s claims, therefore, “must be . . . for

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cannot represent other *pro se* parties.” (emphasis added)). True, our rules permit a *pro se* party to sue on behalf of another under certain circumstances, see RCFC 17(c)(1), but that does not allow one *pro se* party to represent another. Accordingly, plaintiff—not his sister—is the sole party in this case. See *Perry*, 20 F. App’x at 782.

<sup>2</sup> Plaintiff cites 12 U.S.C. §§ 411–12, but those laws pertain to the Federal Reserve and do not govern state officers or agencies.

money damages against the United States,” and he “must demonstrate that [a] source of substantive law” requires compensation by the United States. *Mitchell*, 463 U.S. at 216–17. The absence of a money-mandating law is “fatal” to this court’s jurisdiction. *Fisher*, 402 F.3d at 1173.

We have no jurisdiction over plaintiff’s claims. First, we cannot adjudicate claims against parties other than the United States, so plaintiff’s claims against the New York defendants are beyond our jurisdiction. *See* § 1491(a)(1). Second, plaintiff identifies no money-mandating source of law that would obligate the United States to pay him money. For one thing, we have no jurisdiction over tort claims, so we cannot adjudicate plaintiff’s assorted fiduciary duty, conversion, and negligence claims. *See id.* We also lack jurisdiction over claims arising under the Fifth Amendment Due Process Clause, the Fourth Amendment, or the Thirteenth Amendment. *Ash v. United States*, 170 Fed. Cl. 761, 772 (2024) (due process); *Brown v. United States*, 105 F.3d 621, 623 (Fed. Cir. 1997) (Fourth Amendment); *Johnson v. United States*, 79 Fed. Cl. 769, 774 (2007) (Thirteenth Amendment).

Accordingly, we dismiss plaintiff’s complaint for lack of subject matter jurisdiction under Rule 12(h)(3). The Clerk of Court is directed to enter judgment. No costs.

s/Eric G. Bruggink  
ERIC G. BRUGGINK  
Senior Judge

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

**No. 24-2124 C**

**Filed: February 19, 2025**

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**PETER JOSEPH POLINSKI,**  
**Plaintiff,**

**v.**

**THE UNITED STATES,**  
**Defendant.**

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**JUDGMENT**

Pursuant to the court's Order, filed February 18, 2025,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that plaintiff's complaint is dismissed for lack of subject-matter jurisdiction. No costs.

Lisa L. Reyes  
Clerk of Court

By: Ashley Reams  
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. Effective December 1, 2023, the appeals fee is \$605.00.



# United States Court of Appeals for the Federal Circuit

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**PETER JOSEPH POLINSKI,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2025-1561

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Appeal from the United States Court of Federal Claims  
in No. 1:24-cv-02124-EGB, Senior Judge Eric G. Bruggink.

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## MANDATE

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In accordance with the judgment of this Court, entered September 4, 2025, and pursuant to Rule 41 of the Federal Rules of Appellate Procedure, the formal mandate is hereby issued.

FOR THE COURT

October 27, 2025  
Date



Jarrett B. Perlow  
Clerk of Court

NOTE: This order is nonprecedential.

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

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**PETER JOSEPH POLINSKI,**  
*Plaintiff-Appellant*

**v.**

**UNITED STATES,**  
*Defendant-Appellee*

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2025-1568

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Appeal from the United States Court of Federal Claims  
in No. 1:24-cv-02136-EDK, Judge Elaine Kaplan.

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**ON PETITION FOR PANEL REHEARING**

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Before LOURIE, REYNA, and CHEN, *Circuit Judges*.  
PER CURIAM.

**O R D E R**

On September 17, 2025, Peter Joseph Polinski filed a  
petition for panel rehearing [ECF No. 23].

Upon consideration thereof,

IT IS ORDERED THAT:

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POLINSKI v. US

The petition for panel rehearing is denied.

FOR THE COURT



October 2, 2025  
Date

Jarrett B. Perlow  
Clerk of Court

# APPENDIX D

## Constitutional Provisions, Statutes, and Regulations Involved

### U.S. Constitution

- U.S. Const. amend. V – *Takings Clause*
- U.S. Const. art. III, § 2 – *Judicial Power and Jurisdiction*
- U.S. Const. art. VI, § 2 – *Supremacy Clause*

### United States Code

- 28 U.S.C. § 1254(1) – *Jurisdiction for writs of certiorari from courts of appeals*
- 28 U.S.C. § 1491 – *Tucker Act jurisdiction in Court of Federal Claims*
- 28 U.S.C. §§ 2041–2042 – *Court Registry Investment System (CRIS) handling and release of funds*
- 31 U.S.C. § 1304 – *Judgment Fund for payment of court judgments*
- 31 U.S.C. § 1346 – *Appropriations and disbursing for claims*
- 15 U.S.C. § 1122 – *Trademark and federal remedy applicability*
- 42 U.S.C. § 4202 – *Definitions related to federal administration of trust/fiduciary matters*

### Code of Federal Regulations (C.F.R.)

- 48 C.F.R. Part 28 – *Bonds and Insurance under the Federal Acquisition Regulation (FAR)*
- 48 C.F.R. Part 53 – *Forms required for federal procurement and contract compliance*

### Federal Rules of Civil Procedure

- Federal Rule of Civil Procedure 67.1 – *Court's authority to deposit funds into court registry (CRIS)*

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