

APPENDIX A

NOTE: This order is
nonprecedential.

UNITED STATES COURT OF
APPEALS FOR THE FEDERAL
CIRCUIT

ARTHUR LOPEZ,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2025-2047

Appeal from the United States

Court of Federal Claims in No. 1:25-cv-00145-RTH,

Judge Ryan T. Holte.

ON MOTION

PER CURIAM. O R D E R

Arthur Lopez appeals from the judgment of the

United States Court of Federal Claims

dismissing his case and moves for leave to proceed

informa pauperis. ECF No. 14.

The United States moves to summarily affirm.

Mr. Lopez opposes. We grant summary

affirmance. Case: 25-2047

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12/10/2025 2 LOPEZ v. USA After unsuccessfully pursuing litigation over a private loan gone bad that resulted in foreclosure on his residence,¹ Mr. Lopez brought this action in the Court of Federal Claims asserting he was entitled to \$5 million in damages based on the government's "interference," "obstruction[]," and "derailing" of that litigation. ECF No. 3 at 21. Specifically, Mr. Lopez's complaint alleged the government had take[n] everything from his possession," including his "children and Family," his social security benefits, his "property," and his "assets." Id. at 15–17. He further asserted "U.S. Congress-staff" had taken his property by omitting Civil Cause of

Action under Theft of Trade Secrets statute.” Id. at 14. On August 20, 2025, the Court of Federal Claims dismissed the complaint and certified under 28 U.S.C. § 1915(a)(3) that any appeal would not be in good faith. Mr. Lopez nevertheless filed this appeal. Summary affirmance is warranted here. We have explained to Mr. Lopez that the Court of Federal Claims lacks jurisdiction over claims for social security benefits, criminal actions and suits, tort claims based on interference with prior litigation, and claims that he is entitled to compensation under the Fifth Amendment for the taking of his children and family. See *Lopez v. United States*, No. 2024-1860, 2025 WL 685917, at *1–2 (Fed. Cir. Mar. 4, 2025); *Lopez v. United States*, No. 2025-1499 (Fed. Cir. July 16, 2025). The Court of Federal

Claims was likewise clearly correct that Mr. Lopez failed to raise a cognizable takings claim based on his allegation that Congress omitted a civil cause of action from the federal Defend Trade Secrets Act at least because “[t]akings liability must be premised on affirmative government acts,” *St. Bernard Par. Gov’t v. United States*, 887 F.3d 1354, 1362 (Fed. Cir. 2018).¹ See *Lopez v. MUFG Holding Corp.*, No. G061254, 2023 WL 4941972, at *1 (Cal. Ct. App. Aug. 3, 2023). Case: 25-2047

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We have considered Mr. Lopez's arguments in opposition to summary affirmance and find them unpersuasive.

In particular, Mr. Lopez reiterates his argument that the trial judge should have recused because, when an attorney in private practice, he had "transacted business dealings with the . . . United States" in matters unrelated to Mr. Lopez's claims. ECF No. 10-1 at 2-3. As previously explained to Mr. Lopez, to show "that judicial bias during the proceedings deprived him of due process [he] must show a deep-seated favoritism or antagonism that would make fair judgment impossible," and he has

clearly failed to do so here in this case. Lopez, 2025 WL 685917, at *2. The court notes that Mr. Lopez has filed numerous cases with the Court of Federal Claims, and related appeals with this court, each of which have been similarly re-jected. See, e.g., Lopez, 2025 WL 685917; Lopez, No. 2025-1499, ECF No. 15; Lopez v. United States, No. 2023-1522, ECF No. 26 (Fed. Cir. Oct. 27, 2023); Lopez v. United States, No. 2022-2244, ECF No. 13 (Fed. Cir. Dec. 28, 2022); Lopez v. United States, No.2022-1426, ECF No. 20 (Fed. Cir. Dec. 14, 2022). Mr. Lopez is now specifically warned that if he continues to file appeals with this court that are wholly meritless, the court may impose monetary and/or non-monetary sanctions. Cf. In re

Amend. to Rule 39, 500 U.S. 13, 13 (1991) (“It is vital that the right to file in forma pauperis not be encumbered by those who would abuse the integrity of our process by frivolous filings[.]”).

Accordingly,

IT IS ORDERED THAT:

(1) The motion for leave to proceed in forma pauperis is denied.

(2) The United States’s motion is granted.

The judgment of the United States Court of Federal Claims is summarily affirmed.⁴

LOPEZ v. US(3) Each party shall bear its own costs.

FOR THE COURT

JARRETT B. PERLOW December 10, 2025

APPENDIX B

Case 1:25-cv-00145-RTH

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In the United States Court of Federal Claims

No. 25-145 (Filed: 20 August 2025)

NOT FOR PUBLICATION

ARTHUR LOPEZ, Plaintiff, **

v. *

THE UNITED STATES, Defendant. **

Arthur Lopez, pro se, of Newport Beach, CA.

Tate N. Walker, Trial Attorney,

Commercial Litigation Branch, Civil

Division, with whom were *Claudia Burke*, Deputy

Director, *Patricia M. McCarthy*, Director, *Yaakov*
M. Roth, Acting Assistant Attorney General,
U.S. Department of Justice, of Washington, DC.

ORDER

HOLTE, Judge.

Pro se plaintiff Arthur Lopez brings
this action seeking \$500 million for
an alleged Fifth Amendment taking of his property
and family. The Court suspected it
lacked jurisdiction over plaintiff's claims and
ordered plaintiff to show cause demonstrating
why the Court should not dismiss the case for lack
of subject matter jurisdiction. Plaintiff and the
government responded outlining his jurisdictional
theory or lack thereof. Separately, plaintiff moved
to disqualify and recuse the undersigned. For the
reasons discussed below, the Court denies

plaintiff's Motion to Disqualify Judge and for Recusal, and dismisses *sua sponte* plaintiff's Complaint for lack of subject-matter jurisdiction.

I. Factual Background and Procedural History

On 27 January 2025, *pro se* plaintiff Arthur Lopez filed this action, alleging government agents engaged in stalking, harassment, prostitution, denial of social security benefits, theft of trade secrets, theft of his children, taking of his residence and business, conspiracy to deprive him of judicial relief, negligence, false imprisonment, fraudulent misrepresentation, and mail tampering. *See generally* Compl., ECF No. 1. The same day, plaintiff filed a motion for leave to proceed *in forma pauperis* ("IFP"). *See* Mot. for Leave to Proceed IFP ("First IFP Appl."), ECF

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On 30 January 2025, the Court

denied plaintiff's IFP application for

incompleteness and ordered "plaintiff to show cause

as

to: (1) why this case should not be

dismissed for being nearly

identical to plaintiff's other pending

action in the Court of Federal Claims

before Judge Smith, No. 23-1742; and (2) why this

case is not against private individuals or

seek[s] injunctive relief." O.S.C. at 3, ECF No. 5.1

As the Court explained, "[u]nder Rule 12(h)(3) of

the Rules of the United States Court of Federal

Claims ("RCFC"), "[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." *Id.* 2

On 18 February 2025, plaintiff filed a motion for extension of time to respond to the Show Cause Order, *see* Pl.'s Mot. for Extension of Time, ECF No. 8, which was granted the next day. On 25 February 2025, plaintiff filed a motion to disqualify and recuse the undersigned. *See* Pl.'s Mot. to Disqualify Judge and for Recusal, ECF No. 9. On 5 March 2025, the government responded. *See* Gov't's Resp. to Mot. to Disqualify and for Recusal, ECF No. 10. On 17 March 2025, plaintiff responded to the Court's Show Cause Order, *see* Pl.'s Resp. to O.S.C., ECF No. 12, and refiled a second motion for

leave to proceed IFP, *see* Pl.'s Mot. for Leave to Proceed IFP ("Second IFP Appl."), ECF No. 12. On 4 April 2025, the government responded to plaintiff's Response to the Show Cause Order. *See* Gov't's Resp. to O.S.C., ECF No. 13.

II. Plaintiff's Extensive Litigation

History

Plaintiff has filed several cases in the Court of Federal Claims—all were dismissed and all dismissals were affirmed *per curiam* by the Federal Circuit: (1) *Lopez v. United States*, No. 21-1166 (Fed. Cl. Jan. 21, 2022) (Meyers, J.) (dismissed for lack of subject matter jurisdiction and failure to state a claim), *aff'd*, No. 22-1426 (Fed. Cir. Dec. 14, 2022) (*per curiam*); (2) *Lopez v. United States*, No. 22-259 (Fed. Cl. Jan. 30, 2023)

(Williams, J.) (dismissed for lack of subjectmatter jurisdiction), *aff'd*, No. 23-1522, 2023 WL 7096921 (Fed. Cir. Oct. 27, 2023) (per curiam); (3) *Lopez v. United States*, No. 22-330 (Fed. Cl. Aug. 23, 2022) (Schwartz, J.) 1 The case before Judge Smith was later dismissed because plaintiff “apparently believes that federal agency officials, local law enforcement, and private companies conspired to take his housing’ and assets in a scheme involving torts, criminal actions, and an ‘unlawful’ denial of social security disability benefits,” and “the Court does not have subject-matter jurisdiction over claims that sound in tort . . . [or] over criminal claims and social security benefits claims.” 28 Feb. 2025 Order at 2,

Lopez v. United States, No. 23-1742, ECF

No. 26. 2 The Federal Circuit recently affirmed this court's practice in a pair of orders affirming dismissals after the Court ordered two plaintiffs to "show cause as to why [the] case[s] should not be dismissed for lack of subject-matter jurisdiction pursuant to RCFC 12(h)(3)."

Hernandez v. United States, No. 25-1248,

2025 WL 2304600, at *1 (Fed.

Cir. Aug. 11, 2025); *see Hout v. United*

States, No. 25-1247, 2025 WL 2305100

(Fed. Cir. Aug. 11, 2025). Both

plaintiffs thereafter filed a plethora of

unresponsive documents without any

meaningful attempt to address the

Court's Show Cause Order. When the

Court again ordered the plaintiffs to

respond, plaintiffs failed to file anything at all. See 23 September 2024 Order, ECF No. 13, *Hernandez*, No. 24-1034; 23 September 2024 Order, ECF No. 19, *Hout*, No. 24-1032. Thus, the Court had “no choice but to dismiss plaintiffs’ complaint[s] for failure to prosecute.” 24 October 2024 Order at 2, ECF No. 14, *Hernandez*, No. 24-1034; 24 October 2024 Order at 2, ECF No. 14, *Hout*, No. 24-1032. The Federal Circuit held there was “no abuse of discretion by the [Court of Federal Claims]” in dismissing each case for failure to prosecute because “the show cause order[s] w[ere] unambiguous and clear” and the failure to respond “is

dispositive.” *Hernandez*, No. 25-1248,
2025 WL 2304600, at *1; *see Hout*, No.
25-1248, 2025 WL 2305100. As such,
when a plaintiff fails to respond to a show
cause order, that failure is dispositive and the
Court can dismiss the case. *See Hernandez*, No.
25-1248, 2025 WL 2304600, at *1; *see Hout*,
No. 25-1247, 2025 WL 2305100. - 2 -Case 1:25-
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(dismissed for lack of subject matter
jurisdiction and failure to state a
claim), *aff’d*, No. 22-2244, 2022 WL 17972176 (Fed.
Cir. Dec.
28, 2022) (per curiam); (4) *Lopez v.*
United States, No. 23-

620 (Fed. Cl. May 7, 2024)
(Schwartz, J.) (dismissed for lack of
subject matter jurisdiction and
failure to state a claim), *aff'd*, No.
24-1860, 2025 WL 685917 (Fed. Cir.
Mar. 4, 2025) (per
curiam); and (5) *Lopez v. United States*, No. 23-1742
(Fed. Cl. Feb. 28, 2025) (Smith, J.)
(dismissed for lack of subject matter
jurisdiction), *aff'd*, No. 25-1499,
2025 WL 1949865 (Fed.
Cir. July 16, 2025) (per curiam).
Furthermore, plaintiff has an
extensive filing history in the United
States District Court
for the Central District of California,
all of which have been dismissed,

inter alia, for failure to prosecute, failure to comply with court orders, frivolousness, failure to state a claim, lack of jurisdiction, res judicata, untimeliness, and summary judgment granted in favor of the opposing party. *See, e.g., Lopez v. Corona Police Dep't*, 2019 WL 9656443 (C.D. Cal. Feb. 13, 2019), *aff'd*, 816 F. App'x 113 (9th Cir. 2020), *cert. denied*, 141 S. Ct. 2600 (May 3, 2021). The Central District of California also sanctioned plaintiff pursuant to Rule 11 of the Federal Rules of Civil Procedure for forging and falsifying documents. *See id.* at *2. The same court, in a different case, declared plaintiff a vexatious litigant and barred him from bringing claims against public employees and entities, or claims alleging discrimination

against him or his family. *See Lopez v. HSBC Bank*, 2020 WL 7416930, at *8 (C.D. Cal. July 10, 2020), *cert. denied*, 142 S. Ct.1366 (2022).

Similarly, the Southern District of Florida found plaintiff's claims frivolous, denied his IFP petition, and certified any appeal would not be taken in good faith. *See Lopez v. Actualidad Radio LLC*, No. 23-22692, 2023 WL 5951833, at *1(S.D. Fla. Aug. 17, 2023).

III. Plaintiff's Arguments

As an initial matter, the Court will review the plaintiff's arguments in its outstanding motions and responses. In doing so, the Court begins by considering plaintiff's motion forrecusal and the government's response thereto. Then, the Court reviews plaintiff's response to

the Court's Show Cause Order and the government's response thereto.

A. Plaintiff's Motion for Recusal

In his Motion to Disqualify Judge and for Recusal, plaintiff alleges the undersigned's "impartiality might reasonably be questioned" because the undersigned was general counsel for a technology company which contracts with the U.S. Military, and as a part of this role, co-invented a patent involving signal jamming. *See* Pl.'s Mot. to Disqualify Judge and for Recusal at 2 (quoting 28 U.S.C. § 455). Plaintiff argues this gives the undersigned "a financial interest in the subject matter in controversy," because the Army and

the “USA” are organizations conspiring against plaintiff. *Id.* (quoting 28 U.S.C. § 455). Plaintiff claims the “military operations and schemes by which the Takings [were] accomplished . . . also involve signal jamming technology,” implying a ruling against the government might hurt the undersigned financially, because the patent was for “signal jamming technology.” *Id.* at 11–12. Citing the undersigned’s involvement in legal associations, plaintiff alleges the undersigned has bias sufficient to be disqualified. *See id.* at 8–10.

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In response, the government argues
plaintiff failed to provide an

objective basis for

disqualification. *See* Gov't's Resp. to
Mot. to Disqualify and for Recusal.

Specifically, the

government argues involvement in
legal associations is insufficient on
their own to show bias.

See id. at 2 (citing *Liteky v. United
States*, 510 U.S. 540, 554 (1994)).

B. Plaintiff's Show Cause

Responses

In response to the Court's Show
Cause Order, plaintiff raises four

arguments. First,
plaintiff reiterated his takings claim:
“branches of the U.S. Military, U.S.
Civilian Staff, Pentagon, and other divisions/
departments of the United States such
as the U.S. Postal Service [have] taken without just
compensation . . . damages due to
plaintiff for taking of his residence
. . . and his business, Auto Finance
Liberty Credit Corporation . . . solely
owned by plaintiff, and taking of plaintiff's family
including 4 (four) children.” Pl.'s Resp. to
O.S.C. at 2 (cleaned up). Plaintiff asserts, without
citation, the Supreme Court of California has held
children to be property. *See id.* at 3. Second,
plaintiff clarified the “case involves solely the
United States as a [d]efendant and their ‘Takings’

violations as causes of action regardless of the fact
other violations may be concurrently committed.”

See id. at 3. Whether or not they break other laws,
or meet the elements of tort, plaintiff urges the
same underlying facts may be takings violations.

See id. at 3 (citing *Taylor v. United States*, 959 F.3d
1081 (Fed. Cir. 2020)). Third, plaintiff argues the
claims are not against private individuals—instead,
“the sole defendant [is] the United

States, . . . [and] the names referred

to in the initial complaint serve only

to provide clarity.” *See* Pl.’s Resp. to O.S.C. at 7–8.

To help establish jurisdiction, plaintiff names

several agencies in addition to those cited in the

complaint—“U.S. Homeland Security-USDOJ-FBI-

assoc.” as well as “U.S. Department of Homeland

Security-U.S. Air Force-Defense Coordinator, U.S.

Marshals-Court Staff-Security Contractors, etc.”—
which plaintiff alleges participated in the
takings violation. *See id.* at 3, 7. Finally, in
response to the Court’s concern plaintiff’s claims
are identical to those dismissed under plaintiff’s
other claim, he insists “the Takings Violations
are for separate property/assets,
” without elaborating. *See id.* at 6; *see also Lopez v.*
United States, No. 23-1742, ECF No. 26.

The government advances five arguments in
response. First, the government argues
plaintiff has failed to state a cognizable Fifth
Amendment property interest,” and has failed to
establish jurisdiction over the claim under the
Constitution. *See Gov’t’s Resp. to O.S.C.* at 7–8.
Second, even if plaintiff had established those two
elements, the government argues “the complaint

still fails because he has not alleged that the taking was legal.” *Id.* at 9 (citing *Wagstaff v. United States*, 105 Fed. Cl. 99, 110 (2012)). Third, the government avers plaintiff’s claims are against private parties, not the United States. *See id.* at 6–7. Given “the Court does not possess jurisdiction to entertain any suits—takings or other—against private parties,” the government argues the Court should dismiss the claim for lack of subject-matter jurisdiction. *Id.* at 9 (citing *Brown v. United States*, 105 F.3d 621, 624 (Fed. Cir. 1997)). Fourth, the government asserts plaintiff “simply realleges the same facts and baseless allegations in this case as he did in his five other complaints and subsequent appeals before the Federal Circuit.” *Id.* at 6–7. Finally, the government argues plaintiff’s

claims are “really about criminal or tort matters like the ‘theft of trade secrets’ and mail delivery,” over which the Court has no jurisdiction. *Id.* at 7.

IV. Applicable Law

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A. Motion to Dismiss for Lack of Subject Matter Jurisdiction Under RCFC12(b)(1)

“Subject matter jurisdiction is a threshold issue that must be determined at the outset of a case.”

King v. United States, 81 Fed. Cl. 766, 768 (2008)

(citing *Steel Co. v. Citizens for a Better Env't*, 523

U.S. 83, 94–95 (1998)). Plaintiffs “bear the burden

of establishing the court's jurisdiction by a preponderance of the evidence." *Acevedo v. United States*, 824 F.3d 1365, 1368 (Fed. Cir. 2016) (citing *Trusted Integration, Inc. v. United States*, 659 F.3d 1159, 1163 (Fed. Cir. 2011)). If a motion to dismiss under RCFC 12(b)(1) challenges jurisdictional facts alleged in the complaint, "the court may consider relevant evidence to resolve the factual dispute." *Schultz v. United States*, No. 08-889T, 2009 WL 3416453, at *2 (Fed. Cl. Oct. 21, 2009) (citing *Reynolds v. Army & Air Force Exch. Serv.*, 846 F.2d 746, 747 (Fed. Cir. 1988)). "In determining jurisdiction, a court must accept as true all undisputed facts asserted in plaintiff's complaint and draw all reasonable inferences in favor of

plaintiff.” *Acevedo*, 824 F.3d at 1368 (quoting *Trusted Integration*, 659 F.3d at 1163). The Court, however, may “consider . . . evidentiary matters outside the pleadings” when deciding a RCFC 12(b)(1) motion. *Indium Corp. of Am. v. Semi-Alloys, Inc.*, 781 F.2d 879, 884 (Fed. Cir. 1985). The Court of Federal Claims “is a court of limited jurisdiction.” *Jentoft v. United States*, 450 F.3d 1342, 1349 (Fed. Cir. 2006) (citation omitted). Under the Tucker Act: 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. 28 U.S.C. § 1491(a)(1). “[A]lthough the Tucker Act waives the sovereign immunity of the federal government, it does not itself provide any substantive rights or any right of action to obtain monetary relief for wrongs. Accordingly, to invoke [Court of Federal Claims] jurisdiction pursuant to the Tucker Act, ‘a plaintiff must identify a right to money damages found in the Constitution, a statute or government regulation, or a contract.’” *McCormick v. United States*, No. 2023-2314, 2024 WL 1005563, at *2 (Fed. Cir. Mar. 8, 2024) (quoting *Folden v. United States*, 379 F.3d 1344, 1354–55 (Fed. Cir. 2004)). “A plaintiff . . . must [also] show that the identified source of law ‘can fairly be

interpreted as mandating compensation by the [f]ederal[g]overnment for the damages sustained.” *Id.* (citations omitted). Additionally, the Court’s jurisdiction does not extend to claims against state officials, local officials, or private individuals. *See United States v. Sherwood*, 312 U.S. 584, 588 (1941) (“[I]f the relief sought is against others than the United States[,] the suit as to them . . . [is] beyond the jurisdiction of th[is] court.”). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” RCFC 12(h)(3).

B. *Pro Se* Litigants

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Page 6 of 16 *Pro se* litigants are granted greater leeway than parties represented by counsel. *See Haines v. Kerner*, 404 U.S. 519, 520–21 (1972) (holding *pro se* complaints should be held to “less stringent standards than formal pleadings drafted by lawyers”).

Despite such leeway, the Court has long recognized “the leniency afforded to a *pro se* litigant with respect to mere formalities does not relieve the burden to meet jurisdictional requirements.” *Minehan v. United States*, 75 Fed. Cl. 249, 253 (2007) (citing *Kelley v. Sec’y, U.S. Dep’t of Lab.*, 812 F.2d 1378, 1380 (Fed. Cir. 1987); *Biddulph v. United States*, 74 Fed. Cl. 765 (2006)). A *pro se* plaintiff—like any other plaintiff—must bear “the burden of establishing the Court’s jurisdiction by a

preponderance of the evidence.” *Riles v. United States*, 93 Fed. Cl. 163, 165 (2010) (citing *Taylor v. United States*, 303 F.3d 1357, 1359 (Fed. Cir. 2002)). If a plaintiff acts *pro se*, this “may explain . . . ambiguities [in filings], but it does not excuse [any] failures [in the plaintiff’s pleadings], if such there be.” *Henkev. United States*, 60 F.3d 795, 799(Fed. Cir. 1995).

V. Plaintiff’s IFP Application

On 27 January 2025, plaintiff filed a motion for leave to proceed IFP. *See* Pl.’s First IFP Appl. On 30 January 2025, the Court struck plaintiff’s IFP, because “plaintiff did not complete the form; specifically, plaintiff did not answer question 2(b) and the answers to portion of question 3 are not complete and/or legible, rendering the IFP

incomplete.” O.S.C. at 1, ECF No. 5. On 17 March 2025, plaintiff filed a second motion for leave to proceed IFP. *See* Pl.’s Second IFP Appl. Pursuant to 28 U.S.C. § 1915(a)(1), “any court of the United States may authorize the commencement . . . of any suit, action or proceeding . . . without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement . . . that the person is unable to pay such fees or give security therefor.” In plaintiff’s second IFP application, plaintiff claims he has been unemployed since 2010 and has \$0 in cash or in a checking, savings, or inmate account. *See* Pl.’s Second IFP Appl. at 2. Under these circumstances, the Court concludes paying such fees would constitute a serious hardship on plaintiff and grants plaintiff’s Motion to Proceed IFP.

3 See *Adkins v. E.I. DuPont de*

Nemours & Co., 335 U.S. 331, 339 (1948) (“We

think an affidavit is sufficient which

states that one cannot

because of his poverty ‘pay or give

security for the costs . . . and still be

able to provide’ himself

and dependents ‘with the necessities

of life.’” (alteration in original)); see

also 28 U.S.C. § 1915(a)(1).

VI. Plaintiff’s Motion to Disqualify-and

Recuse the Undersigned

The Court addresses plaintiff’s Motion to Disqualify

Judge and for Recusal as a threshold matter. First,

plaintiff argues the undersigned’s “impartiality

might reasonably be questioned” because the

undersigned was general counsel for a military contractor, with whom he coinvented a patent for signal jamming technology. *See* Pl.'s Mot. to Disqualify Judge and for Recusal at 11–12. Specifically, plaintiff argues this gives a financial interest in the proceeding, because the “military operations and schemes by which the Takings [were] accomplished . . . involve signal³ The Court notes the Court is being lenient to plaintiff given his extensive litigation history in this Court and in federal courts around the country, where he has received sanctions and his similar IFP requests have been denied. *See supra* Section II.- 6 -Case 1:25-cv-00145-RTH

jamming technology.” *Id.* A federal judge shall “disqualify himself . . . [if he] has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding.”

28 U.S.C. § 455(b)(4).

An objective standard is used to determine a judge’s impartiality. *See*

Hewlett-Packard Co. v. Bausch & Lomb, Inc., 882

F.2d 1556, 1568 (Fed. Cir. 1989) (“In enacting section 455(a), Congress created an objective standard under which to question the

judge's impartiality."). Plaintiff has failed to clarify what "military operations and schemes" were implicated in his claims that would provide sufficient objective ground for recusal, let alone how his claims "involve" signal jamming technology. *See* Pl.'s Mot. to Disqualify Judge and For Recusal at 11–12. Even if they did "involve" such technology—which they do not—it is unclear how past work as counsel for a signal jamming startup, or owning a patent for signal jamming, would give the undersigned a financial interest in any of plaintiff's claims. *See id.*

Plaintiff fails to identify what the undersigned would stand to lose in granting plaintiff's plea for \$500 million or stand to gain in denying it—nor does plaintiff provide a reason for "an objective

observer to question [the undersigned's] impartiality." *Hewlett-Packard*, 882 F.2d at 1568 (quoting *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 865 (1988)). As the government notes: In his motion, Mr. Lopez cites to the currently assigned judge's past employment history, membership or affiliation with certain groups, and prior filings for patents for military equipment. *See generally* ECF No. 9. None of these cited reasons provide a legitimate, objective basis for disqualification. Opinions a judge forms outside their employment as a judge are not sufficient, on their own, to show bias or prejudice. *Liteky v. United States*, 510 U.S. 540, 554 (1994). Nor is the judge's view of the law or legal theories sufficient to show the need

for a recusal. *Id.* Mr. Lopez has not alleged how any of these cited reasons for disqualification have personally affected the Court's rulings or actions in this matter. Accordingly, Mr. Lopez's allegations of prejudice fall short of justifying his request for disqualification for which he bears a heavy burden. Gov't's Resp. to Mot. to Disqualify and for Recusal at 2. Plaintiff has failed to state facts or inferences which might lead a reasonable person to question the undersigned's impartiality, and therefore the Motion should be denied. See *Baldwin Hardware Corp. v. Frank Su Enterprise Corp*, 78 F.3d 550, 557 (Fed. Cir. 1996) ("[A]ppellants' assertion of a financial conflict of interest in this matter borders on the frivolous. Appellants' brief utterly omits any discussion of the

key facts and key legal provision concerning this issue.”). Second, plaintiff insists the undersigned’s involvement in voluntary associations causes bias, “at best giving the appearance of impropriety and diminishing public confidence.” Pl.’s Mot. to Disqualify Judge and for Recusal at 8. Plaintiff made similar accusations against two other judges in this Court—Judges Schwartz and Smith—both of which were rejected by the Federal Circuit. *See Lopez v. United States*, No. 2025-1499, 2025 WL 1949865, at *2 (Fed. Cir. Feb. 28, 2025) (*nonprecedential*); *Lopez v. United States*, No. 2024-1860, 2025 WL 685917, *2 (Fed. Cir. Mar. 4, 2025) (*nonprecedential*). In accusing Judge Schwartz of bias, plaintiff “express[ed] concern that his complaint was dismissed because [Judge Schwartz] was biased against him.” *Lopez*, 2025 WL

685917, at *2. In rejecting plaintiff's "purely
speculative accusation, the Federal Circuit held
plaintiff "ha[d] not satisfied th[e] requirement . . .
to identify

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any statement or action by the trial
court judge during the handling of his
case that demonstrates
bias." *See id.* In accusing Judge
Smith of bias, plaintiff allegedly
"uncovered very significant
conflict of interest Standard
Operating Procedures [sic] within the

Trial Court that includes the repeated occurrence of assigning bias judicial officers to his cases, and alleges that the trial judge's denial of his request to recuse was an apparent retaliatory act also negated his request for leave to amend complaint to possibly add legal theories, facts, claims."

Lopez, 2025 WL 1949865, at *2 (cleaned up). The Federal Circuit rejected this baseless accusation because "[to show] judicial bias during the proceedings deprived him of due process[,] [plaintiff] must show a deep-seated favoritism or antagonism that would make fair judgment impossible." *Id.* (citing *Lopez*, 2025 WL 685917, at *2). The Court reasoned "[a]s with his prior similar attempts, here again, he 'has not satisfied this requirement,' as '[h]is

accusations are purely speculative.” *Id.* A federal judge “shall disqualify himself in any proceeding in which his impartiality might be reasonably questioned.” 28 U.S.C. § 455(a); see *Shell Oil Co. v. United States*, 672 F.3d 1283, 1289 (Fed. Cir. 2012). Pursuant to Section 455, the Supreme Court requires a showing of a “deep-seated . . . antagonism or an extrajudicial source of bias: information gained from outside of a judge’s participation in the proceedings.” *Flowers v. United States*, 321 F. App’x 928, 935 (Fed. Cir. 2008) (quoting *Liteky*, 510 U.S. at 555). Plaintiffs bear a “heavy burden . . . to substantiate their recusal claim.” *Baldwin*, 78 F.3d at 557 (citing *Liteky*, 510 U.S. at 555). Plaintiff, however, has not met that “heavy burden” to

show a reasonable person would question the undersigned's impartiality here. *Compare Baldwin*, 78 F.3d at 557 (emphasis added), *with* Pl.'s Mot. to Disqualify Judge and for Recusal at 8–10. Plaintiff also has not shown how being involved in non-political, legal associations or Intellectual Property Practice Group committees would create objective indications of bias. *See* Pl.'s Mot. to Disqualify Judge and for Recusal at 9, 7. Failing to acknowledge the high bar required for recusal, *see Baldwin*, 78 F.3d at 557 (citing *Liteky*, 510 U.S. at 555), plaintiff claims legal associations and the entire federal government have conspired against him, *see* Pl.'s Mot. to Disqualify Judge and for Recusal at 7–10. Such conspiracy theories are insufficient to serve as objective grounds for recusal

or disqualification. *See Baldwin*, 78 F.3d at 557 (citing *Liteky*, 510 U.S. at 555). As discussed above, this is not the first time plaintiff has baselessly accused this court of bias, and the Federal Circuit previously rejected plaintiff's "purely speculative" accusations of bias in prior cases. *See Lopez*, 2025 WL 1949865, at *2 (Fed. Cir. July 16, 2025) ("As this court previously explained to plaintiff, to show that judicial bias during the proceedings deprived him of due process he must show a deep-seated favoritism or antagonism that would make fair judgment impossible. As with his prior similar attempts, here again, he has not satisfied this requirement, as his accusations are purely speculative." (cleaned up)). As plaintiff has failed to demonstrate a "deep- seated . . . antagonism" or "favoritism," or alleged a plausible

bias against him held by the aforementioned organizations, the Court denies plaintiff's Motion to Disqualify and for Recusal. *See Liteky*, 510 U.S. at 555 (1994) ("[O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible."); *Baldwin*, 78 F.3d at 557 ("We conclude that appellants have not carried the heavy burden necessary to substantiate their recusal claim under *Liteky*."); *see also Lopez*, 2025 WL

1949865, at *2. **VII. Whether Plaintiff's**

Criminal and Tort Claims Fall Under the

Court's Jurisdiction- 8 -Case 1:25-cv-00145-RTH

As plaintiff's Complaint makes allegations of crimes and torts, the Court begins by addressing whether it has jurisdiction over plaintiff's claims sounding in tort and criminal law. *See, e.g.*, Compl. at 6–11; Pl.'s Resp. to O.S.C. at 2–3. First, plaintiff makes criminal allegations of: (1) mail tampering, *see* Pl.'s Resp. to O.S.C. at 2 ("Moreover, the United States Postal Service interfered with timely Mail Delivery to the United States Court of Appeals for the Ninth Circuit causing dismissal of plaintiff case to also bar plaintiff from obtaining relief."); (2) prostitution, *see* Compl.

at 3 ("U.S. Marine and U.S. Air Force and associates' schemes . . . led to barring plaintiff's 18 yr. old daughter from being introduced as a co-plaintiff [against MUFG] . . . specifically, U.S. Air Force agent . . . who is involved in prostitution sponsoring."); (3) economic espionage, *see* Compl. at 9 ("[D]efendant . . . omitted a Civil Cause of Action from theft of trade secrets statute U.S. Title 18 U.S.C. § 1831 and § 1832 precluding **plaintiff** from relief-just compensation from cohort Japanese bank the conglomerate MUFG Union Bank, NA for their violations-theft of trade secrets."); and (4) stalking and harassment, *see* Compl. at 7 ("It should also be noted that defendant U.S. has taken adequate food, housing-medical- dental care through these years of

takings violation schemes allthe while stalking-spying-harassing and depriving quality of life in peace for over a decade as a foundation to execute these recent takings violations.”). The Court lacks jurisdiction over claims alleging criminal conduct. *See Joshua v. United States*, 17 F.3d 378, 379 (Fed. Cir. 1994) (“The Court [of federal claims] has no jurisdiction to adjudicate any claims whatsoever under the federal criminal code.”). In *Joshua*, plaintiff claimed “two officers of the court acted in various ways by ‘scheme and design’ to deprive plaintiff of a finding under the Declaratory Judgment Act, . . . allegedly violat[ing] several provisions of Title 18, the criminal code, and . . . Constitutional rights The criminal acts complained of includeconspiracy, fraud, perjury, and malfeasance in office.” *Id.* at

379. In affirming the Court of Federal Claims, the Federal Circuit held the Court “has no jurisdiction to adjudicate any claims whatsoever under the federal criminal code.” *Id.* Like plaintiff in *Joshua*, plaintiff alleges various crimes—*e.g.*, prostitution, mail tampering, theft of trade secrets, and stalking—which deprived plaintiff of judicial relief; and like the Court in *Joshua*, “[t]he [C]ourt has no jurisdiction to adjudicate any claims whatsoever under the federal criminal code,” and must dismiss. 17 F.3d at 379; *see, e.g.*, Compl.at 3 (“U.S. Marine and U.S. Air Force and associates’ schemes . . . led to barring plaintiff’s 18 yr. old daughter from being introduced as a co-plaintiff . . . specifically, U.S. Air Force agent . . .who is involved in prostitution sponsoring.); Pl.’s Resp. to O.S.C. at

2 (“[T]he United States Postal Service interfered with timely mail delivery to the United States Court of Appeals for the Ninth Circuit causing dismissal of plaintiff[’s] case to also bar plaintiff from obtaining relief . . . [T]he United States Pentagon targeted plaintiff to also bar relief through other judicial processes.”). Second, plaintiff makes various claims sounding in tort: (1) false imprisonment and intentional infliction of emotional distress (“IIED”), *see* Compl. at 11 (“Plaintiff has been subjected to false imprisonment by these defendant schemes all of which have caused enormous emotional distress along with physical harm.”); (2) fraudulent misrepresentation, *see id.* at 11

("U.S. Navy affiliates, who also remain parishioners at Our Lady Queen of Angels Catholic Church, et al., also participated in schemes to harm plaintiff through deceit and trickery all leading to loss of family, social standing, quality of life, business, home, assets, etc."); and (3)- 9 -Case 1:25-cv-00145-RTH

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negligence, *see id.* at 6 ("U.S. Marine Corps has a business office . . . where plaintiff suffered a traumatic fall . . . and the security camera, directly above the location of the fall, video recording

was destroyed by the defendant.”).

The Court lacks jurisdiction over claims sounding in tort.

See 28 U.S.C. § 1491(a)(1) (“The

United States Court of Federal

Claims shall have jurisdiction

. . . for liquidated or unliquidated

damages in cases not sounding in

tort.”); *see also Upshaw v.*

United States, 673 F. App’x 985, 987

(Fed. Cir. 2016); *Brown*, 105 F.3d at

623–24; *Lopez v. United States*, No. 24-1860, 2025

WL 685917, at *1 (Fed. Cir. Mar. 4,

2025). In *Brown*, plaintiff alleged “Fourth

Amendment fraudulent taking’claims” for tax

penalties, and • demanded monetary damages to

compensate for the wages the IRS

had 'seized' without warrants." 105 F.3d at 622.

There, the court held, given "[plaintiff's]

complaints for 'fraudulent assessment[s]' are

grounded upon fraud, which is a tort, the court

lacks jurisdiction over those claims." *Id.* at 623.

Like in *Brown*, the Court lacks jurisdiction here

because plaintiff's claims of false imprisonment,

IIED, fraudulent misrepresentation, and negligence

all sound in tort. *See* Compl. at 11 ("[F]alse

imprisonment . . . which [has] caused enormous

emotional distress along with physical harm"); *id.*

at 11 ("[D]eceit and trickery"); *id.* at 6 ("[P]laintiff

suffered a traumatic fall . . . [and] video recording

was destroyed by the defendant."); *see Brown*, 103

F.3d at 623–624 ("Because [plaintiff's]

complaints . . . are grounded upon fraud, which is a

tort, the court lacks jurisdiction over those claims . . [and] the trial judge properly dismissed their cases.”); *Upshaw*, 673 F. App’x at 987 (“With regard to Mr. Upshaw’s tort claims: the Tucker Act excludes tort claims . . . [and] we affirm the trial court’s decision to dismiss for lack of subjectmatter jurisdiction.”); *see also* 28 U.S.C. § 1491(a)(1); RCFC 12(h)(3) (“If the court determines at any time that it lacks subject- matter jurisdiction, the court must dismiss the action.”).

VIII. Whether Plaintiff States

Takings Claims Within the Court’s

Jurisdiction

In his Complaint, plaintiff further alleged tortious and criminal claims outside of the

Court's jurisdiction. *See supra*

Section VII. In response to the

Court's Show Cause Order,

plaintiff weaved a web of

unintelligible conspiracy, in which

the "highest authorities" of

government conspired to take his

property through agencies such as

"U.S. Homeland Security-USDOJ-FBI-assoc.," "U.S.

Department of Homeland Security-

U.S. Air Force-Defense

Coordinator, U.S. Marshals-Court

Staff-Security Contractors, etc." and

their "agents." Pl.'s

Resp. to O.S.C. at 3, 6-7. Plaintiff

contrives four sets of allegedly taken

property: (1) Social

Security benefits, *see* Compl. at 6;

(2) children, *see id.* at 2; (3) trade

secrets, *see id.* at 2; and (4)

a residence and business, *see id.* at 2.

As the four sets are legally distinct,

the Court analyzes

each in turn below.

A. Whether the Court Has

Jurisdiction over Plaintiff's

Takings Claim for His

Social Security Benefits Plaintiff's Complaint

alleges

"[d]efendant [United States] (Social

Security Division)

ha[s] also Taken Plaintiff's Disability

Benefits for several years so as to

prevent [p]laintiff from
hiring competent legal representation
to obtain Relief sooner and as such
adding another layer of
Takings Violations by the defendant
against [p]laintiff.” Compl. at 6. The
Court of Federal
Claims lacks jurisdiction over claims
for social security benefits. *See*
Marcus v. United States,
909 F.2d 1470, 1471 (Fed. Cir. 1990)
(“[W]e hold that the [Court of
Federal Claims] has no
jurisdiction under the Tucker Act, 28
U.S.C. § 1491(a)(1) (1988), over
claims to social security- 10 -Case 1:25-cv-00145-
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benefits.”); *Arunga v. United States*,
465 F. App’x 966, 967–68 (Fed. Cir.
2012) (“[T]he statute
makes clear that the Court of Federal
Claims lacks jurisdiction because
claims for social security
benefits must be filed in a federal
district court.”); *see also* 42 U.S.C. §
405(g)–(h). Plaintiff’s
factual claim is similar to *Marcus v.*
United States, where the Court
denied plaintiff’s plea for “a
reversal of the decision by the
Commissioner of Social Security
denying an award of social

security disability benefits,” as “the
[Court of Federal Claims] has no
jurisdiction under the Tucker Act . . . over claims to
social
security benefits, even considering
appellant’s assertions
that he is entitled to relief under the
Constitution.” 909 F.2d at 1471; *see*
Compl. at 6 (“[The
Social Security Administration has]
taken plaintiff’s disability benefits for
several years.”).

Here, plaintiff alleges the Social
Security Administration (“SSA”) has
“Taken Plaintiff’s
Disability Benefits for several years,”

Compl. at 6, but this claim must “be
brought in the district
court of the United States for the
judicial district in which the plaintiff
resides.

” 42 U.S.C.

§ 405(g). Indeed, 42 U.S.C. § 405
does not give this court jurisdiction
over the SSA’s decisions. *See* 42 U.S.C. § 405(h) (“No
findings
of fact or decision of the Commission
of Social Security
shall be reviewed by any person,
tribunal, or governmental agency
except as [provided by the
Social Security Act.]”). As plaintiff
alleges Social Security benefits

claims outside the Court's jurisdiction, the Court must dismiss. *See Marcus*, 909 F.2d at 1471 (“[T]he [Court of Federal Claims] has no jurisdiction under the Tucker Act . . . over claims to social security benefits, even considering appellant’s assertions that he is entitled to relief under the Constitution.”); *Arunga*, 465 F. App’x at 967–68 (“Challenges relating to social security benefits shall be brought in the district court of the United States for the judicial district in which the plaintiff resides.”) (citation omitted); *see also* 42 U.S.C. §

405(g)–(h).

**B. Whether the Court Has
Jurisdiction over Plaintiff's
Takings Claim for His
Children**

Plaintiff further alleges the government has taken "Plaintiff's Property-Family including 4 (four) children." Pl.'s Resp. to O.S.C. at 2. Plaintiff claims unnamed precedent establishes "[p]arents' children are deemed their property." *Id.* at 3. For an actionable Fifth Amendment takings claim, plaintiff must have a legally cognizable property interest.

See American Pelagic Fishing Co., L.P. v. United

States, 379

F.3d 1363, 1372 (Fed. Cir. 2004) (“It

is axiomatic that

only persons with a valid property

interest at the time of the taking are

entitled to compensation.”

(citations omitted)). People are not

property. *See* U.S. CONST. amend. XIII,

§ 1. Plaintiff has

previously claimed his children to be

property, but as the Federal Circuit

reasoned, “there is no

case law or statute which establishes

a property right in children.” *Lopez*,

2025 WL 685917, at

*1 (Fed. Cir. Mar. 4, 2025). Plaintiff

therefore cannot demonstrate a
legally cognizable property
interest in his children, and has not
identified a taking within the Court's
jurisdiction. *See Lopez*, 2025 WL 685917, at *1 (Fed.
Cir.
Mar. 4, 2025); *American Pelagic*,
379 F.3d at 1372 ("If the
claimant fails to demonstrate the
existence of a legally cognizable
property interest, the court's
task is at an end."); *Fishermen's
Finest, Inc. v. United States*, 59 F.4th
1269, 1279–80 (Fed. Cir.
2023) ("[T]he [Court of Federal
Claims] did not err in dismissing

[plaintiff's] takings claim for lack of a cognizable property interest."). To the extent plaintiff's claim is for family separation, the Court lacks jurisdiction over state law matters such as those involving domestic relations.

See, e.g., Souders v. S.C. Pub. Serv.

Auth., 497 F.3d 1303, 1307 (Fed. Cir.

2007) ("Claims founded on state law are also outside the scope of the limited jurisdiction of the Court of Federal

Claims."); *Gordon v. United States*,

No. 23-2035, 2024 WL 3634306

(Fed. Cl. 2024) ("[T]he

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court is powerless to review the
decisions of state courts.”); *Johnson*

v. United States, No. 20-

831, 2020 WL 5645180, at *1–2

(Fed. Cl. 2020) (“The remaining

‘grievances’ appear to be

associated with decisions by the

Oklahoma courts in family law

matters[;] . . . [t]his court,

however, lacks jurisdiction over

claims founded on state law.”).

Consequently, even if plaintiff could demonstrate

the government

took his children, this would not be

an actionable Fifth

Amendment takings claim. *See*

American Pelagic, 379 F.3d 1363.

The Court must therefore

dismiss for lack of subject-matter

jurisdiction. *See Lopez v. United*

States, 2025 WL 685917, at

*1 (Fed. Cir. Mar. 4, 2025);

American Pelagic, 379 F.3d at 1372

(“If the claimant fails to

demonstrate the existence of a legally

cognizable property interest, the

court’s task is at an

end.”); *Fishermen’s Finest*, 59 F.4th

at 1279–80 (Fed. Cir. 2023) (“[T]he

[Court of Federal

Claims] did not err in dismissing

[plaintiff’s] takings claim for lack of

a cognizable property interest.”); *see also Souders*,
497 F.3d
at 1307.

**C. Whether the Court Has
Jurisdiction over Plaintiff's
Takings Claim for his**

Trade Secrets

Plaintiff alleges “U.S. Congress-
staff” omitted a civil cause of action
for theft of trade
secrets, effecting a taking of relief
plaintiff alleges he would be owed
from third parties. *See*

Compl. at 3, 9 (“Just the same in this
case brought by plaintiff / property
owner Arthur Lopez,
the defendant . . . omitted a Civil

Cause of Action from theft of trade
secrets statute U.S. Title 18
U.S.C. § 1831 and § 1832 precluding
plaintiff from relief-just
compensation from cohort Japanese bank the
conglomerate
MUFG Union Bank, NA for their
violations-theft of trade
secrets."); Pl.'s Resp. to O.S.C. at 2
("[T]he United States Congress
omitted a Civil Cause of
Action under Title 18 U.S.C.
1831/1832 (Economic Espionage
Act) to prevent recovery of
damages from theft of trade
secrets."). A takings claim must be
premised on affirmative

government action. *See St. Bernard Parish Government v. United States*, 887 F.3d 1354, 1362 (Fed. Cir. 2018). Plaintiff argues Congress effected a taking of his property, by *not* enacting regulation which would give him a civil cause of action for its theft. *See* Compl. at 9. A taking must be an affirmative act, and given plaintiff has not stated a takings claim under the Fifth Amendment, the Court must dismiss. *See* Compl. at 9; *St. Bernard Parish Government*, 887 F.3d at 1362 (“Plaintiffs point to no case where the government incurred

takings liability based on inaction. Takings liability must be premised on affirmative government acts.”); *Fisher v. United States*, 402 F.3d 1167, 1173 (Fed. Cir. 2005) (“If the court’s conclusion is that the source as alleged and pleaded is not money-mandating, the court shall so declare and shall dismiss the cause for lack of jurisdiction.”). In fact, plaintiff’s claims here seem identical to the claims plaintiff alleged in *MUFG Union Bank, N.A.* against a private party. Compare *MUFG*, 2016 WL 9686990, at *1 (“[P]laintiff sued [MUFG Union Bank] . . . alleg[ing] . . . theft of trade secrets”); *with* Compl. at 9 (“[Congress] omitted a Civil Cause of Action from Theft of Trade Secrets . . .precluding Plaintiff from Relief – just compensation from

cohort Japanese banking conglomerate, MUFG Union Bank.”). As plaintiff’s claims here are against a private party, and not the federal government, the Court lacks jurisdiction and must dismiss. *See Sherwood*, 312 U.S. at 588; *Souders v. S.C. Pub. Serv. Auth.*, 497 F.3d 1303, 1308 (Fed. Cir. 2007) (“By definition, a claim for just compensation under the [T]akings [C]lause of the Fifth Amendment must be against the United States since it applies *only to the federal government.*”) (emphasis added)); *Casa de Cambio Comdiv S.A., de C.V. v. United States*, 291 F.3d 1356, 1363 (Fed. Cir. 2002) (“Because the government did not direct [the third party] to take action against [plaintiff],

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and because [the third party] did not

act as the alter ego or agent of the

government, [plaintiff]

has not stated a claim for relief under

the Takings Clause.”). **D. Whether the Court Has**

Jurisdiction over Plaintiff’s

Takings Claim for

His Residence and Business

Plaintiff’s claims all seem to stem

from one set of facts—bankruptcy of

plaintiff’s

business and foreclosure of plaintiff’s

residence. *See MUFG*, 2016 WL

9686990, at *1

(plaintiff’s original federal action);

see also Lopez v. MUFG Holding

Corporation, 2023 WL

4941972, at *1 (Cal. Ct. App. Aug. 3,

2023) (detailing plaintiff's litigation

history). Around

2007, plaintiff met with "an

employee and agent of MUFG Union

Bank to discuss developing an

auto finance company." *Id.* MUFG

Bank employees promised additional

credit if Lopez withdrew his home equity line of

credit, so "Lopez withdrew the

remainder of his home equity

line of credit to finance Liberty, . . .

[but] despite Lopez's repeated

requests, Chung and other

Union Bank agents declined to

provide the promised funding.” *Id.*

Lopez first sued in Orange

Country Superior Court in May of

2012—he lost. *Id.* Since then, he has

embarked on creating a

saga of litigation in federal courts

across the country under the same

factual premise—“[MUFG

Union Bank’s] misconduct caused

[plaintiff] to lose his business [and]

home.” *MUFG*, 2016

WL 9686990, at *2; *see supra*

Section II. Plaintiff alleges his “property-

residence . . . [and] auto finance

Liberty Credit

Corporation” were taken by the

government “stem[ming] from

damages due to plaintiff" for the
residence and corporation being
taken. See Pl.'s Resp. to O.S.C. at 2.

Plaintiff's "case follows
the defendants' persistent
aggressions, interference,
obstructions to harm Plaintiff by
derailing
his litigation attempts for relief
against MUF'G Union Bank." Compl.
at 10 (emphasis added).
Plaintiff argues "it must be judicially
noted that the defendant through its
clandestine operations
by its web of undercover operative in
the Marine Corp – U.S. Airforce, etc.
constantly created destructions online, private

businesses, Catholic Church as part
of an ongoing restricting of
Plaintiff's Rights program 'signature
reduction' to impede and derail
efforts for Relief through
the State and Federal Courts as part
of these Takings schemes." Compl. at
7-8 (emphasis
omitted). Plaintiff alleges such
"clandestine operations" include: (1)
"U.S. Marine and U.S. Air
Force and associates' schemes . . . led
to barring plaintiff's 18 yr. old
daughter from being
introduced as a co-plaintiff . . .
specifically, U.S. Air Force agent . . .

who is involved in
prostitution sponsoring,” Compl. at
3; (2) the “taking of the \$53,000 note
by U.S. Attorney through a bankruptcy
proceeding . . .
precluding plaintiff from removing/
preventing taking of
property located @ 11540 Hoxie
Dr.,” Compl. at 9; (3) “the United
States Postal Service
interfer[ing] with timely mail
delivery to the United States Court of
Appeals for the Ninth Circuit
causing dismissal of plaintiff[s] case
to also bar plaintiff from obtaining
relief,” Pl.’s Resp. to
O.S.C. at 2; and (4) “the United

States Pentagon target[ing] plaintiff
to also bar relief through other judicial processes,”
id.; *see also* Compl., Ex. 1, App. A (a Newsweek
article from 2021 describing and decrying “the
Military’s Secret Undercover Army”); Compl. at 7
(“[T]he U.S. nonmilitary branches involved are
several – U.S. Homeland Security- *USDOJ*-FBI-
assoc.,” Pl.’s Resp. to O.S.C. at 3, and “U.S.
Department of Homeland Security- U.S. Air Force-
Defense Coordinator, *U.S. Marshals-Court*
Staff-Security Contractors, etc.”)(emphasis added).

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The Court has no jurisdiction over claims against parties other than the United States, and if a third party takes something, it must have been directed by the federal government. *See Sherwood*, 312 U.S. at 588; *Souders v. S.C. Pub. Serv. Auth.*, 497 F.3d 1303, 1308 (Fed. Cir.2007) (“By definition, a claim for just compensation under the [T]akings [C]lause of the Fifth Amendment must be against the United States since it applies *only to the federal government.*”) (emphasis added)); *Casa de Cambio*

Comdiv S.A., de C.V. v. United States,

291 F.3d 1356, 1363

(Fed. Cir. 2002). In *Casa de Cambio*,

plaintiff cashed a stolen Treasury

check at a third-party

bank, the Treasury recouped its

losses by debiting the bank, and the

third-party bank recouped its

losses by debiting plaintiff. See 291

F.3d at 1361. The Federal Circuit

held the Court of Federal

Claims properly dismissed: "Because

the government did not direct [the

third party] to take action against [plaintiff], and

because

[the third party] did not act as the

alter ego or agent of the

government, [plaintiff] has not stated a claim for relief under the Takings Clause." *Id.* at 1363.

The Court of Federal Claims does not have jurisdiction to review the decisions of federal district courts or bankruptcy courts. *See Allustiarte v. United States*, 256 F.3d 1349, 1352 (Fed. Cir. 2001) ("To permit collateral attacks on bankruptcy court judgments would seriously undercut the orderly process of the law. The proper forum for appellants' challenges to the bankruptcy trustees' actions therefore lies in the [Federal Appeals Courts], not the

Court of Federal

Claims.”) (quotation omitted)). To the extent

plaintiff alleges his

business and residence were taken,

he contends they

were taken through “[MUFG Bank’s]

promising future consideration of a

business loan” but

“reneging,” which led to “plaintiff

filing for bankruptcy,” and

“plaintiff’s financing requests to

[MUFG Bank], home equity line of

credit, and the subsequent foreclosure

of plaintiff’s home.

”

MUFG, 2023 WL 4941972, at *1

(cleaned up). Like *Casa de Cambio*,

where a third-party bank
took money from plaintiff, the
actions of MUFG Union Bank cannot
be imputed to the federal
government. *Compare* 291 F.3d at
1361 (“[Plaintiff] urges that [the
Bank’s] debiting of [plaintiff’s] account as a result of
the
government’s action against [the
Bank] amounted to a
taking of [plaintiff’s] property by the
government.”), *with* Compl. at 10
 (“[Plaintiff’s] case
follows the defendants’ persistent
aggressions, interference,
obstructions to harm Plaintiff by

derailing his litigation attempts for relief against MUFG Union Bank.”), *and id.* at 7–8 (“the defendant through its clandestine operations . . . derail[ed] efforts for Relief through the State and Federal Courts.”), *and* Pl.’s Resp. to O.S.C. at 2 (“the United States Pentagon target[ing] plaintiff to also bar relief through other judicial processes”). MUFG Bank is not the federal government, and plaintiff has not alleged MUFG’s activities were directed by the federal government. *See generally* Compl.; Pl.’s Resp. to O.S.C. As plaintiff’s

company and residence
were not taken by the federal
government, and the third-party
alleged to have taken them was not
directed by the federal government,
the Court lacks jurisdiction. *See*
Lopez, 2023 WL 4941972,
at *1 (“[All of] plaintiff’s claims
arose from the same factual
predicate: plaintiff’s financing
requests to defendants, home equity
line of credit, and the subsequent
foreclosure of plaintiff’s
home.”); *Sherwood*, 312 U.S. at 588
 (“[I]f the relief sought is against
others than the United States the suit as to them
must be

ignored as beyond the jurisdiction of
the [Court of Federal
Claims], or if its maintenance against
private parties is prerequisite to
prosecution of the suit
against the United States the suit
must be dismissed.” (citations
omitted)); *Souders*, 497 F.3d at
1308 (“By definition, a claim for just
compensation under the [T]akings
[C]ause of the Fifth
Amendment must be against the
United States since it applies *only to*
the federal government.”)(emphasis added)); *Casa*
de Cambio, 291 F.3d at 1363 (“Because the
government did not direct -

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Page 15 of 16[the third party] to take action against [plaintiff], and because [the third party] did not act as the alter ego or agent of the government, [plaintiff] has not stated a claim for relief under the Takings Clause.”).

Plaintiff’s other claims are against the judiciary and related organizations, as plaintiff has not prevailed despite litigating relentlessly. *See supra* Section II; *see also* Compl. at 7–8 (“clandestine operations . . . derail[ing] efforts for Relief through the . . . Courts”); *id.* at 3

("schemes . . . barring plaintiff's . . .
daughter from being introduced as a
co-plaintiff"); *id.* at 9
("taking . . . by U.S. Attorney . . .
precluding plaintiff from . . . taking
of property located @11540 Hoxie Dr."); *id.* at 7, 3
(alleging schemes perpetrated by
"USDOJ" and "U.S. Marshals-
Court Staff"); Pl.'s Resp. to O.S.C. at
2 ("[I]nterfer[ing] with timely mail
delivery to the United
States Court of Appeals"); *id.*
("Pentagon target[ing] plaintiff to
also bar relief through other
judicial processes"); *id.* ("Taking of
Property Residence . . . and derailing-

taking of Business of
Auto Finance Liberty Credit
Corporation.”). Plaintiff effectively
asks the Court to reverse the
decisions of other courts over which
the Court has no authority, and the
Court must dismiss for
lack of jurisdiction. *See Joshua*, 17
F.3d at 380 (“[T]he Court of Federal
Claims does not have jurisdiction to review the
decisions of
district courts.”); *Allustiarte*, 256
F.3d at 1352 (quoting
Celotex Corp. v. Edwards, 514 U.S.
300, 313 (1995)) (“If a party is
‘dissatisfied with the
Bankruptcy Court’s ultimate decision,

[it] can appeal to the district court for
the judicial district
in which the bankruptcy judge is
serving, and then to the Court of
Appeals.”); *see also* RCFC

12(h)(3) (“If the court determines at
any time that it lacks subject-matter
jurisdiction, the court
must dismiss the action.”).

To summarize, plaintiff argues the
Court has jurisdiction over the taking
of his residence
and business under the Fifth
Amendment. *See* Pl.’s Resp. to
O.S.C. at 2. As discussed *supra* Sections VII–VIII,
plaintiff’s
arguments for the Court’s jurisdiction

are unclear, incomplete, and
insufficient. Plaintiff does not
provide any facts, causation, or
circumstances implicating the
government that give rise to a cause
of action under this court's
jurisdiction. *See supra* Sections
VII–VIII. Jurisdiction is a threshold
issue. *See King*, 81 Fed. Cl. at 768
(citing *Steel*, 523 U.S. at
94–95). It is clear plaintiff
misunderstands the Court's
jurisdiction, especially given the
large
number of cases that have been
dismissed for lack of jurisdiction by
this court and other federal

courts. *See supra* Section II. As plaintiff has failed to show jurisdiction, the Court has no choice but to dismiss plaintiff's Complaint.

See Knick, 588 U.S. at 185; *Fisher*, 402 F.3d at 1173 ("If the court's conclusion is that the source as alleged and pleaded is not money-mandating, the court shall so declare and shall dismiss the cause for lack of jurisdiction."); *see also* RCFC 12(h)(3) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.").

IX. Conclusion

The Court has reviewed all of
plaintiff's arguments, and to the
extent any arguments are
not discussed herein specifically, they
are unclear, meritless, and
unpersuasive. Accordingly, the Court: (1) **DENIES**
plaintiff's Motion to Disqualify Judge and for
Recusal, ECF No. 9; (2)
GRANTS plaintiff's Motion for
Leave to Proceed *in forma pauperis*,
ECF No. 11; and (3)

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DISMISSES plaintiff's Complaint

sua sponte,

4 ECF No. 1. The Court **DIRECTS**

the Clerk's

Office to enter judgment accordingly.

The Court further **CERTIFIES**,

under 28 U.S.C. §

1915(a)(3), any appeal from this

order would not be taken in good

faith because plaintiff's

claims as alleged are clearly outside

the jurisdiction of the Court and

considering plaintiff's extensive litigation history in

this

court and other federal courts.

IT IS SO ORDERED.

s/ Ryan T. Holte

RYAN T. HOLTE

Judge

4 The Court notes this is the same process recently affirmed by the Federal Circuit in *Hernandez v. United States* and *Hout v. United States*, where the Federal Circuit held:

Although Mr. Hout is proceeding pro se, the show cause order was unambiguous and clearly directed him to file a response explaining the jurisdictional basis for his case by the stated

deadline. We hold that the Claims Court did not abuse its discretion in

determining that Mr.Hout failed to timely file a
response to the
show cause order. Because that failure is
dispositive,
we affirm.

Hout, No. 25-1247, 2025 WL 2305100, at
*2 (citations omitted); *see also*
Hernandez, No. 25-1248, 2025
WL 2304600, at *2.

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