

26-5920

No. 1

ORIGINAL

SUPREME COURT OF THE UNITED STATES

Dr. AHMAD J. ALJINDI,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the Federal Circuit

PETITION FOR A WRIT OF CERTIORARI

Dr. AHMAD J. ALJINDI

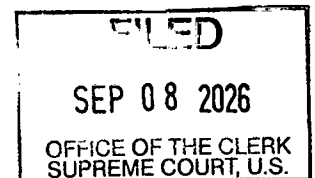
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QUESTION PRESENTED

1. When a pro se complaint in the Court of Federal Claims alleges government use of copyrighted work "in violation of 28 U.S.C. § 1498(b)," may that court and the Federal Circuit dismiss for lack of Tucker Act jurisdiction on the ground that the complaint also used Fifth Amendment language—without construing the complaint as the exclusive § 1498(b) action Congress placed in that court, and without deciding whether a § 1498(b) claim was stated?

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page.

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Petitioner Dr. Ahmad J. Aljindi was the plaintiff-appellant below.

Respondent United States was the defendant-appellee below.

RELATED CASES

Supreme Court Rule 14.1(b)(iii) requires proceedings that arise from the same trial-court case. Those proceedings are:

- United States Court of Federal Claims, No. 1:25-cv-01288-PSH, Dr. Ahmad Aljindi v. The United States. Opinion and Order of dismissal entered September 25, 2025 (Hadjji, J.). Appendix B.
- United States Court of Appeals for the Federal Circuit, No. 2026-1180, Ahmad Aljindi v. United States. Judgment entered June 8, 2026. Appendix A. The Federal Circuit treated earlier copyright proceedings concerning the same 2015 work as the predicate for the 2025 dismissal. Those proceedings are listed because the courts below used them as the asserted bar:

- United States Court of Federal Claims, No. 1:21-cv-01295-SSS, dismissed November 28, 2022.
- United States Court of Appeals for the Federal Circuit, No. 22-1117, decided May 10, 2022 (construing the 2021 complaint as a § 1498(b) action and remanding).
- United States Court of Appeals for the Federal Circuit, No. 23-1230, decided April 5, 2023, cert. denied, 144 S. Ct. 362 (2023).
- United States Court of Federal Claims, No. 1:21-cv-01578-DAT.
- United States Court of Federal Claims, No. 1:24-cv-00242-DAT, and Federal Circuit Nos. 24-1997 (Feb. 10, 2025) and 26-1031 (Apr. 14, 2026).
- This Court: Nos. 19-7708, 21-6181, 22-5670, 23-5543, and 25-5736.

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opinion of June 8, 2026.

Appendix B — United States Court of Federal Claims, No. 1:25-cv-01288-PSH, Opinion
and Order of September 25, 2025.

Appendix C — Complaint, No. 1:25-cv-01288-PSH, ECF 1, pages 1-5 (filed August 4,
2025).

TABLE OF AUTHORITIES

Cases

Aljindi v. United States, No. 22-1117, 2022 WL 1464476 (Fed. Cir. May 10, 2022)
Aljindi v. United States, No. 23-1230, 2023 WL 2778689 (Fed. Cir. Apr. 5, 2023)
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Erickson v. Pardus, 551 U.S. 89 (2007)
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Haines v. Kerner, 404 U.S. 519 (1972)
Hughes v. Rowe, 449 U.S. 5 (1980)
Jan's Helicopter Serv., Inc. v. FAA, 525 F.3d 1299 (Fed. Cir. 2008)
Schillinger v. United States, 155 U.S. 163 (1894)
Steel Co. v. Citizens for a Better Env't, 523 U.S. 83 (1998)

Statutes

28 U.S.C. § 1254(1)
28 U.S.C. § 1491(a)
28 U.S.C. § 1498(a)
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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the order below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at ; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States Court of Federal Claims appears at Appendix B to the petition and is

☐ reported at ; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The dates on which the United States Court of Appeals decided my cases was 06/08/2026.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including (date) on (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254 (1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment I:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

United States Constitution, Amendment V:

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 offense 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.

United States Constitution, Amendment VI:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

United States Constitution, Amendment VII:

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

United States Constitution, Amendment XIV:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

Petitioner Dr. Ahmad J. Aljindi is the author of the 2015 dissertation Information Security, Artificial Intelligence (AI) and Legacy Information Systems (LIS), registered with the Library of Congress. On August 4, 2025, he filed Court of Federal Claims No. 1:25-cv-01288-PSH. Page 1 of that complaint alleged that between 2021 and 2025 the United States used his methodologies across twenty-three government artificial-intelligence initiatives, "constituting a taking for public use without compensation in violation of 28 U.S.C. § 1498(b)." App. C.

A later paragraph of the same complaint invoked 28 U.S.C. § 1491(a)(1). The Federal Circuit later treated that later paragraph as if it erased the statute named on page 1.

The history that the courts below used against petitioner is the history they created. In 2021 petitioner sued in the Claims Court. That court dismissed for lack of Tucker Act jurisdiction, calling the allegations tort or crime. The Federal Circuit reversed that construction. It held the pro se complaint should be read as a § 1498(b) action and remanded. *Aljindi v. United States*, No. 22-1117, 2022 WL 1464476, at *3-4 (Fed. Cir. May 10, 2022). On remand the Claims Court dismissed for failure to state a § 1498(b) claim. The Federal Circuit affirmed. No. 23-1230, 2023 WL 2778689 (Fed. Cir. Apr. 5, 2023), cert. denied, 144 S. Ct. 362 (2023).

In 2025 petitioner returned with a complaint that did what the 2022 remand had required: it named § 1498(b) on the first page. The Claims Court still did not decide a § 1498(b) claim. Judge Hadji held the court lacked Tucker Act jurisdiction over "takings claims based on alleged copyright infringement," analogizing to *Golden v. United States*,

955 F.3d 981 (Fed. Cir. 2020), a patent case under § 1498(a). App. B. He then refused to treat the complaint as a § 1498(b) case because of the Tucker Act sentences. The Federal Circuit affirmed that construction. App. A. Its own opinion recites that the complaint "describes the facts as showing a 'violation of 28 U.S.C. § 1498(b).'" App. A.

REASONS FOR GRANTING THE PETITION

The Federal Circuit's June 8, 2026, opinion is unpublished and is reproduced at Appendix A. The Court of Federal Claims' September 25, 2025, Opinion and Order is unpublished and is reproduced at Appendix B.

The Federal Circuit entered judgment on June 8, 2026. No timely petition for rehearing was filed. Ninety days from June 8, 2026, Sunday, September 6, 2026. Monday, September 7, 2026, is Labor Day. Under Rule 30.1 the period runs through Tuesday, September 8, 2026. This petition is timely under 28 U.S.C. § 2101(c) and Rules 13.1, 13.3, and 30.1. Jurisdiction rests on 28 U.S.C. § 1254(1).

28 U.S.C. § 1498(b) provides, in relevant part, that when copyright is infringed by the United States or by one acting with its authorization or consent, "the exclusive action which may be brought for such infringement shall be an action by the copyright owner against the United States in the Court of Federal Claims for the recovery of his reasonable and entire compensation."

28 U.S.C. § 1491(a)(1) confers Tucker Act jurisdiction over claims against the United States founded upon the Constitution or an Act of Congress.

I. The courts below closed the only forum Congress opened.

Section 1498(b) is not optional. It is the exclusive damages action for copyright infringement by the United States. Congress put that action in the Court of Federal

Claims. The complaint invoked that statute on page 1. App. C. The Federal Circuit quoted that invocation. App. A. The Claims Court then dismissed for want of a different statute—the Tucker Act—and refused to hear the statute the complaint named.

That is not *Golden*. *Golden* holds that a patent owner may not recast government patent infringement as a Tucker Act taking to evade § 1498(a). *Golden v. United States*, 955 F.3d 981, 986-88 (Fed. Cir. 2020). *Golden* does not hold that a complaint citing § 1498 may be expelled from the only court Congress designated without a decision under § 1498. *Schillinger v. United States*, 155 U.S. 163, 168-69 (1894), channeled government patent claims. It did not authorize a pleading trap inside the exclusive court.

The loop is manufactured. If the plaintiff pleads a taking, the court says the claim "must" proceed under § 1498(b). If the plaintiff names § 1498(b) in the same complaint, the court says the Tucker Act sentences control and dismisses anyway. If the plaintiff earlier failed to name § 1498(b) clearly, the Federal Circuit supplied that construction in 2022 and then used the later dismissal as a bar. The exclusive remedy becomes a door that is locked from both sides. That construction defeats the statute.

Judicial economy is not served by this method. It produces serial dismissals, serial appeals, and no merits decision under the statute Congress wrote. The public fisc is not protected by refusing to say whether the United States used a registered work. The public fisc is protected by deciding that question once, under § 1498(b), on a record.

II. The construction is refuted by the complaint and by the Federal Circuit's own 2022 decision.

This Court requires liberal construction of pro se pleadings. *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Estelle v. Gamble*, 429 U.S. 97, 106 (1976); *Erickson v. Pardus*,

551 U.S. 89, 94 (2007); *Hughes v. Rowe*, 449 U.S. 5, 9 (1980). The Claims Court recited that rule. App. B. It then applied the opposite rule.

In 2022 the Federal Circuit read petitioner's less explicit complaint as a § 1498(b) case. 2022 WL 1464476, at *3-4. In 2026 it affirmed a refusal to read a more explicit complaint—one that quotes § 1498(b)—as a § 1498(b) case. App. A. The 2026 reading is not a good-faith application of *Haines*. It is a construction chosen to avoid the exclusive claim.

The Claims Court said it "need not consider whether [petitioner] states a claim for copyright infringement" because it treated the complaint as Tucker Act only. App. A (describing the order below). That sentence is the error. A court that has exclusive statutory jurisdiction over government copyright claims does not get to "need not consider" the copyright statute the complaint cited. If theories were mixed, the remedy was construction toward the waiver already named on page 1. The remedy was not jurisdictional dismissal of the claim Congress made exclusive.

Jan's Helicopter Serv., Inc. v. FAA, 525 F.3d 1299, 1309 (Fed. Cir. 2008), confirms that the Takings Clause is money-mandating. That proposition does not cancel § 1498(b). It does not authorize a court to use taking language as a reason to refuse the copyright statute standing next to it on the same page.

III. The question is of national importance.

Every copyright owner whose work is used by the United States is confined to § 1498(b). Every patent owner is confined to § 1498(a). The Federal Circuit is the exclusive appellate court for those actions. If that court may acknowledge a § 1498 citation and still dismiss for lack of Tucker Act jurisdiction, the exclusive remedy is a

dead letter for unrepresented owners. That is not a private quarrel. It is the operation of the only waiver Congress enacted for government use of copyrighted work.

Public trust in the courts depends on a forum that decides the claim Congress wrote, not a forum that relocates the claim until no court will hear it. National interest in government use of scientific and technical works depends on the same point: if the United States uses a registered work, the owner has one court and one statute. That court must be open to the statute.

This petition does not ask the Court to award damages, to retry every prior docket, or to decide on infringement in the first instance. It asks the Court to reject a construction that makes § 1498(b) unavailable in the only court authorized to hear it. The record is clean. The complaint is in Appendix C. The two opinions are in Appendices A and B. The Federal Circuit's own quotation of the § 1498(b) allegation is the admission that decides the question.

CONCLUSION

The petition for the Writ of Certiorari should be granted. The June 8, 2026, judgment should be reversed. The case should be remanded with instructions to treat the 2025 complaint as already invoking 28 U.S.C. § 1498(b) and to decide that claim. On remand, petitioner continues to seek reasonable and entire compensation under § 1498(b), including compensation already demanded.

DATED this 08th day of September 2026.

Submitted by,

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