

The Price Wasn't Right

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On March 30, 2015, William Gerald Price sued in the U.S. Court of Federal Claims seeking \$3 million in damages arising from two North Carolina state court proceedings. The gravamen of Price's claim appears to be that he was prevented as a nonparty from addressing the court, but in his complaint he points to the government's "gross negligence, inalienable rights deprivation, violations of regulations of executive departments, violations of acts of congress, constitutional violations, property rights violations, slander, humiliation, embarrassment, [and] defamation of character."

The Government moved to dismiss for lack of subject matter jurisdiction under Rule 12 (b) (1). The Government pointed out that Price had made no claims against the United States, nor had Price identified any federal statutes or regulations allegedly violated. The Court allowed Price to amend his complaint, after which the Government renewed its motion to dismiss for lack of jurisdiction. In addition, the Government argued that the case did not meet the standards for transfer under 28 U.S.C. § 1631 because Price's claims are frivolous.

The CFC agreed with the Government, dismissing Price's claims as falling outside its jurisdiction. The Court noted that it may only hear claims against the federal government but "Price's complaint seeks damages arising from actions of North Carolina state officials and a private citizen in North Carolina state proceedings." Nor had Price identified any money-mandating federal statute: "Price's vague references to violations of constitutional provisions, statutes, and regulations, as well as his citations to the laws of war are insufficient."

Finally, the CFC also refused to transfer Price's case to another court—which under the federal transfer statute is limited only to federal courts. The CFC noted that Price's claims met neither the requirements of diversity jurisdiction nor presented a federal question.

Read Judge Firestone's opinion [here](#).