

## Out of Court but still on the hook

William H. Seals-Bey who is currently incarcerated in federal prison—appearing pro se—recently brought suit against the United States in the U.S. Court of Federal Claims. His lawsuit raised a whole host of claims, including wrongful criminal conviction and incarceration, that the prosecutor fabricated evidence and engaged in prosecutorial misconduct. He further alleged that the Government had targeted him for prosecution with the intent to inflict emotional distress, and that the Government had illegally transferred the indictment against him from the Superior Court of the District of Columbia to the U.S. District Court.

Dismissing his suit, the CFC explained that the court’s jurisdictional statute, the Tucker Act, “does not create any substantive right enforceable against the United States for money damages.” At the end of the day, the trial court could find no money-mandating basis for concluding the CFC had jurisdiction over any of the claims. The trial court therefore dismissed the lawsuit for lack of jurisdiction but held that Seals-Bey still owes the filing fee for the lawsuit. Seals Bey had filed in forma pauperis, but the court concluded that prisoners are legally required to pay, over time if necessary, the filing fee in full:

*Notwithstanding the court’s waiver, prisoners seeking to proceed in forma pauperis are required to pay, over time, the filing fee in full. Thus, plaintiff shall be assessed as a partial payment of the court’s filing fee, an initial sum of twenty percent of the greater of (1) the average monthly deposits into his account, or (2) the average monthly balance in his account for the six-month period immediately preceding the filing of his complaint. Thereafter, plaintiff shall be required to make monthly payments of twenty percent of the preceding month’s income credited to his account.*

Read the full opinion [here](#).