

NOTE: This order is nonprecedential.

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

ANGELA JOHNSON, AUDREY A. JOHNSON-
DUNCAN,
Plaintiffs-Appellants

v.

UNITED STATES,
Defendant-Appellee

2021-1083

Appeal from the United States Court of Federal Claims
in No. 1:20-cv-00831-NBF, Senior Judge Nancy B. Fire-
stone.

ON MOTION

PER CURIAM.

ORDER

The United States moves to summarily affirm the United States Court of Federal Claims' judgment dismissing Angela Johnson and Audrey A. Johnson-Duncan's complaint for lack of jurisdiction. The appellants have not timely responded. Because the Court of Federal Claims' decision was clearly correct, we grant the motion.

The appellants filed the underlying complaint at the Court of Federal Claims alleging various wrongdoings by local and state courts and agencies in connection with criminal, divorce, and custody proceedings. The complaint further alleged that agencies of the United States owed a responsibility to protect people from such conduct. The Court of Federal Claims dismissed the complaint for lack of jurisdiction. The appellants have timely appealed.

The Tucker Act gives the Court of Federal Claims “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). To establish such jurisdiction, plaintiffs must identify a source of substantive law that “can fairly be interpreted as mandating compensation by the Federal Government.” *United States v. Navajo Nation*, 556 U.S. 287, 290 (2009) (citations and internal quotation marks omitted).

The Court of Federal Claims was clearly correct that the appellants failed to cite such a source of law in their complaint. The court was also clearly correct that it does not have jurisdiction to review claims against state agencies and state courts. *See Trevino v. United States*, 557 F. App’x 995, 998 (Fed. Cir. 2014). More generally, the Court of Federal Claims lacks authority to hear any claims “sounding in tort.” § 1491(a)(1). The Court of Federal Claims was therefore also clearly correct that it lacked jurisdiction over any assertion that certain federal agencies were negligent for not taking actions to protect the appellants.

For these reasons, we affirm the underlying judgment by summary order. *See Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994) (holding that summary disposition is appropriate when “the position of one party is so

JOHNSON v. US

3

clearly correct” that “no substantial question regarding the outcome of the appeal exists” (citation omitted)).

Accordingly,

IT IS ORDERED THAT:

- (1) The United States’ motion is granted. The judgment of the Court of Federal Claims is summarily affirmed.
- (2) Any other pending motions are denied.
- (3) Each side shall bear its own costs.

FOR THE COURT

January 21, 2021

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner
Clerk of Court

s24