

NOTE: This disposition is nonprecedential.

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

ISAAC A. POTTER, JR.,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2015-5089

Appeal from the United States Court of Federal
Claims in 1:14-cv-00459-JFM, Senior Judge James F.
Merow.

Decided: February 29, 2016

ISAAC A. POTTER, JR., Orlando, FL, pro se.

KIRBY LEE, Commercial Litigation Branch, Civil Divi-
sion, United States Department of Justice, Washington,
DC, for defendant-appellee. Also represented by
BENJAMIN C. MIZER, JOHN FARGO.

Before NEWMAN, LOURIE, and BRYSON, *Circuit Judges*.

PER CURIAM.

Isaac A. Potter, Jr. appeals the dismissal of his complaint against the United States for failure to state a claim under Rule 12(b)(6). Because the Court of Federal Claims properly dismissed Mr. Potter’s complaint,¹ we *affirm*.

BACKGROUND

On May 19, 2014, Mr. Potter, appearing *pro se*, filed a complaint against the United States in the Court of Federal Claims seeking damages in the amount of one billion dollars. The complaint provided various documents from previous lawsuits and appeals filed by Mr. Potter and the text of several statutes and procedural rules.

On June 18, 2014, Mr. Potter filed an amended complaint that included an allegation that the trademark “KNIGHTS OF THE ZODIAC,” registered to Toei Animation, was cancelled or surrendered.

After various procedures, on May 18, 2015, the Court of Federal Claims granted the government’s motion to dismiss for failure to state a claim under Rule 12(b)(6). The court stated that “plaintiff’s amended complaint is simply devoid of any allegations that could arguably state a claim for any sort of relief.” The court construed the pleadings as a challenge to previous decisions in the Eastern District of Virginia and in this court. The court held that it had no authority to consider attacks on previous decisions and the plaintiff failed to recite facts that could support any other claim.

Mr. Potter appeals.

¹ *Potter v. United States*, Dkt. No. 24, Civ. No. 1:14-cv-00459-JFM (Fed. Cl. May 18, 2015).

DISCUSSION

We review *de novo* whether the Court of Federal Claims properly dismissed a complaint for either a lack of jurisdiction or for failure to state a claim upon which relief can be granted. *See, e.g., Boyle v. United States*, 200 F.3d 1369, 1372 (Fed. Cir. 2000). Mr. Potter, as the plaintiff, bears the burden of showing jurisdiction by a preponderance of the evidence. *Taylor v. United States*, 303 F.3d 1357, 1359 (Fed. Cir. 2002). A motion to dismiss for failure to state a claim upon which relief can be granted under Rule 12(b)(6) is appropriate when the facts asserted by the plaintiff do not entitle him to a legal remedy. *Id.* In reviewing the dismissal, we must accept all well-pleaded factual allegations as true and draw all reasonable inferences in Mr. Potter’s favor. *Id.*

The Court of Federal Claims was correct in holding that it had no jurisdiction to review the merits of decisions from federal district courts, the Trademark Trial and Appeal Board (TTAB), or this court. *See, e.g., Inno-vaire Aviation Ltd. v. United States*, 632 F.3d 1336, 1344 (Fed. Cir. 2011) (“[T]he Court of Federal Claims ‘does not have jurisdiction to review the decision of district courts.’”); 28 U.S.C. § 1295(a)(4) (Court of Appeals for the Federal Circuit hears appeals from TTAB proceedings).

The only information that appears to have been newly presented is the allegation that the trademark for “KNIGHTS OF THE ZODIAC” mark was cancelled or surrendered by operation of 15 U.S.C. § 1057 or Rule 2.174. However, even if correct, the Court of Federal Claims lacks jurisdiction. 28 U.S.C. § 1491.

We affirm the Court of Federal Claims’ dismissal of Mr. Potter’s claims.

AFFIRMED