

NOTE: This order is nonprecedential.

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

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**DAVID JACKSON,**  
*Plaintiff-Appellant,*

v.

**ERIC K. SHINSEKI, SECRETARY OF VETERANS  
AFFAIRS AND LYNETTE A. ROFF, DIRECTOR, VA  
EASTERN COLORADO HCS,**  
*Defendants-Appellees.*

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2012-1680

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Appeal from the United States District Court for the  
District of Colorado in case no. 10-CV-2596, Judge Marcia  
S. Krieger.

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Before NEWMAN, PROST, and WALLACH, *Circuit Judges.*  
PER CURIAM.

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**ON MOTION**

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**O R D E R**

DAVID JACKSON V. SHINSEKI

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The Secretary of Veterans Affairs moves to dismiss this appeal for lack of jurisdiction.

This appeal concerns an order of the United States District Court for the District of Colorado dismissing David Jackson's complaint alleging various claims regarding the Privacy Act against the Department of Veterans Affairs and denying several motions including leave to replead. Because the district court's jurisdiction did not arise in whole or in part under the laws governing this court's limited appellate jurisdiction, we are without authority to entertain this appeal. Since the United States Court of Appeals for the Tenth Circuit has already received and docketed the matter, dismissal rather than transfer of the case pursuant to 28 U.S.C. § 1631 is appropriate.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to dismiss is granted.
- (2) Each side shall bear its own costs.
- (3) All other motions are denied as moot.

FOR THE COURT

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

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ISSUED AS A MANDATE:

**DEC 27 2012**