

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2007-5035

ANDRE JOEL HOWARD,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Andre Joel Howard, of Houston, Texas, pro se.

Joan Stentiford, Trial Attorney, Commercial Litigation Branch, Civil Division United States Department of Justice, of Washington, DC, for defendant-appellee. With her on the brief were Peter D. Keisler, Assistant Attorney General, Jeanne Davidson, Director, and Steven J. Gillingham, Assistant Director.

Appealed from: United States Court of Federal Claims

Judge Emily C. Hewitt

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2007-5035

ANDRE JOEL HOWARD,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

DECIDED: April 5, 2007

Before MAYER, RADER, Circuit Judges, and GARBIS*, Senior District Judge.

PER CURIAM.

The Court of Federal Claims dismissed Andre J. Howard's case for lack of subject matter jurisdiction. Howard v. United States, 74 Fed.Cl. 676 (2006) Finding no reversible error, this court affirms.

In reviewing judgments of the Court of Federal Claims, this court reviews conclusions of law, such as contract or statutory interpretation, without deference. Mass. Bay Transp. Auth. v. United States, 254 F.3d 1367, 1372 (Fed. Cir. 2001); Kane v. United States, 43 F.3d 1446, 1448 (Fed. Cir. 1994). This court reviews findings of facts under the “clearly erroneous” standard. City of El Centro v. United States, 922 F.2d 816, 819 (Fed. Cir. 1990). This court also reviews without deference whether the

* Honorable Marvin J. Garbis, Sr. District Judge, United States District Court of Maryland, sitting by designation.

Court of Federal Claims properly dismissed a complaint for failure to state a claim. United Pacific Ins. Co. v. United States, 464 F.3d 1325, (Fed. Cir. 2006).

In his complaint to this court and the trial court below, Mr. Howard proffers vague assertions of violations of 28 U.S.C. § 1916 (2006) and violations of the due process and takings clauses of the Fifth Amendment of the United States Constitution. In particular, Mr. Howard asserts unspecified lack of due process from the Department of Justice (DOJ) and improper manipulations of the judicial system by the United States Court of Appeals of the Fifth Circuit in support of the DOJ. The trial court found no allegations of an actual taking of property without just compensation. Nor does this court. Further, Mr. Howard's attempt to name the Fifth Circuit as a defendant is unavailing. The United States is the only proper defendant before the Court of Federal Claims. United States v Sherwood, 312 U.S. 584, 588 (1941) (holding relief sought against others than the United States must be ignored as beyond the jurisdiction of the court). Regarding Mr. Howard's allegations under 28 U.S.C. § 1916, this code section allows seamen, without paying fees or costs, to file suits and appeals concerning their wages, salvage, and for enforcement of laws governing their health and safety. 28 U.S.C. § 1916. Section 1916, however, does not entitle a plaintiff monetary relief against the United States.

Mr. Howard has not identified any violation of any money-mandating source for which the trial court can grant monetary relief. Accordingly, this court affirms.