

NOTE: This order is nonprecedential.

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

DENNIS J. ATIYEH,
Plaintiff-Appellant

v.

**ANDREW R. VARA, United States Trustee for Re-
gion 3 and 9,**
Defendant-Appellee

2022-1781

Appeal from the United States District Court for the
Eastern District of Pennsylvania in No. 5:21-cv-02381-
CMR, Judge Cynthia M. Rufe.

Before LOURIE, CHEN, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

In response to this court's July 7, 2022, order to show cause, Dennis J. Atiyeh responds in favor of this court's jurisdiction over his appeal. The United States Trustee for Region 3 and 9 urges dismissal for lack of jurisdiction.

Mr. Atiyeh appeals from the final judgment of the United States District Court for the Eastern District of Pennsylvania in the underlying case concerning the

dismissal of his bankruptcy proceeding. Mr. Atiyeh timely filed a notice of appeal on May 2, 2022, which was docketed both in this court and in the United States Court of Appeals for the Third Circuit, *Atiyeh v. Vara*, No. 22-1848 (3d Cir. May 3, 2022). The appeal currently remains pending in the Third Circuit.

Although this court possesses jurisdiction to review certain final decisions of district courts, that jurisdiction is limited in a way that applies here: This court has jurisdiction only over district court cases arising under the patent laws, *see* 28 U.S.C. § 1295(a)(1); decisions under 28 U.S.C. § 1295(a)(4)(C); or certain cases against the United States for claims “not exceeding \$10,000 in amount,” 28 U.S.C. § 1346(a)(2), *see* 28 U.S.C. § 1295(a)(2). This matter does not fall within that limited jurisdiction.

While this court may generally transfer to another court where the matter could have been filed, 28 U.S.C. § 1631, Mr. Atiyeh’s appeal of the same judgment is already pending in the appropriate court—the Third Circuit. And thus, there is no reason to transfer the case.

Accordingly,

IT IS ORDERED THAT:

The appeal is dismissed.

FOR THE COURT

September 14, 2022

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner
Clerk of Court