

NOTE: This order is nonprecedential.

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

MARCO CABEZAS,
Plaintiff-Appellant

v.

FLINT GROUP, LLC,
Defendant-Appellee

2023-1060

Appeal from the United States District Court for the Central District of California in No. 5:22-cv-01265-FLA-KK, Judge Fernando L. Aenlle-Rocha.

Before TARANTO, MAYER, and STOLL, *Circuit Judges*.
TARANTO, *Circuit Judge*.

O R D E R

In response to this court's December 5, 2022, order to show cause, Flint Group, LLC urges dismissal of this appeal. Marco Cabezas has not responded.

Mr. Cabezas brought this suit against Flint Group asserting violations of various employment laws. The United States District Court for the Central District of California granted Flint Group's motion to dismiss the complaint without prejudice in an order dated August 18, 2022. ECF

No. 1-2 at 6–7. The district court received Mr. Cabezas’s notice of appeal on October 17, 2022.

Mr. Cabezas’s appeal does not fall within the limited authority that Congress granted to this court to review decisions of federal district courts under 28 U.S.C. § 1295(a). That jurisdiction extends only to cases arising under the patent laws, *see* 28 U.S.C. § 1295(a)(1); civil actions on review to the district court from the United States Patent and Trademark Office, *see* § 1295(a)(4)(C); or certain damages claims against the United States “not exceeding \$10,000 in amount,” 28 U.S.C. § 1346(a)(2), *see* 28 U.S.C. § 1295(a)(2). This case does not fall into any of those categories.

While Flint Group urges dismissal, under the circumstances, we deem it the better course to transfer the case pursuant to 28 U.S.C. § 1631 to the United States Court of Appeals for the Ninth Circuit, which may consider, for example, timeliness of the appeal in light of the apparent lack of entry of a separate judgment following the district court’s August 18, 2022, dismissal order. *See* Fed. R. App. P. 4(a)(1)(A) & (7)(A)(ii) (together setting 180-day deadline to file notice of appeal from a final decision when no separate document required under Fed. R. Civ. P. 58(a) is entered).

Accordingly,

IT IS ORDERED THAT:

The appeal and all its filings are transferred to the United States Court of Appeals for the Ninth Circuit pursuant to 28 U.S.C. § 1631.

FOR THE COURT

February 14, 2023
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court