

NOTE: This order is nonprecedential.

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

TINA LOUISE ROBERTS,
Plaintiff-Appellant

v.

CARI OLSON, MATT MILLES, U.S. BANK,
Defendants-Appellees

2023-1411

Appeal from the United States District Court for the Southern District of California in No. 3:22-cv-01373-JLS-BLM, Judge Janis L. Sammartino.

PER CURIAM.

O R D E R

Tina Louise Roberts appeals from the judgment of the United States District Court for the Southern District of California that dismissed her claims for civil rights violations, torts, and theft against individuals associated with U.S. Bank and the bank itself. We now dismiss.

This appeal is outside of this court's limited authority to review decisions of federal district courts pursuant to 28 U.S.C. § 1295(a). That jurisdiction is limited to only 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 is not within one of those categories, and so we lack jurisdiction.

While we may transfer to another court, if it is in the interest of justice, where “the action or appeal could have been brought at the time it was filed,” 28 U.S.C. § 1631, transfer is unnecessary given Ms. Roberts has a pending appeal with the United States Court of Appeals for the Ninth Circuit, No. 23-55066, which is the appropriate court to review her appeal. *See* 28 U.S.C. §§ 41, 1291. Ms. Roberts’ most recent filing, ECF No. 12 at 1, appears to argue the merits of her case and states she “was de[ni]ed [her] appeal in [the] Ninth Distric[t]” (capitalization omitted). But the Ninth Circuit has merely ordered Ms. Roberts to “file a statement explaining why the appeal is not frivolous and should go forward,” *Roberts v. Olson*, No. 23-55066, slip op. at 1 (9th Cir. Jan. 27, 2023).

Accordingly,

IT IS ORDERED THAT:

This appeal is dismissed.

FOR THE COURT

April 17, 2023

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner
Clerk of Court