

NOTE: This order is nonprecedential.

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

PATRICK LONNELL SHERMAN,
Plaintiff-Appellant

v.

**UNITED STATES DISTRICT COURT EASTERN
DISTRICT OF ARKANSAS,**
Defendant-Appellee

DOES,
Defendant

2023-1946

Appeal from the United States District Court for the Eastern District of Arkansas in No. 4:23-cv-00304-BSM, Judge Brian S. Miller.

Before REYNA, TARANTO, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

In response to this court's July 31, 2023, order to show cause, the appellee urges dismissal. Patrick Lonnell Sherman has not responded.

Mr. Sherman, who is currently incarcerated, filed a complaint at the United States District Court for the Eastern District of Arkansas, seeking \$100,000,000 and asserting fraud, discrimination, and claims relating to the Prison Litigation Reform Act. The district court denied Mr. Sherman's motion for leave to proceed *in forma pauperis* and dismissed his complaint without prejudice for failure to pay the filing fee. Mr. Sherman first filed a notice of appeal seeking review at the United States Court of Appeals for the Eighth Circuit, which was docketed at that court as Appeal No. 23-2185. Mr. Sherman then filed another notice of appeal seeking review of the same rulings at this court.

Mr. Sherman'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 generally extends 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 involve such subject matter.

While this court has authority to transfer a case under 28 U.S.C. § 1631 to a court that would have jurisdiction, Mr. Sherman has already filed an appeal of the district court order with the Eighth Circuit, so transfer here is unnecessary.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) All pending motions are denied.

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(3) Each side shall bear its own costs.

FOR THE COURT

October 18, 2023
Date

/s/ Jarrett B. Perlow
Jarrett B. Perlow
Clerk of Court