

NOTE: This order is nonprecedential.

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

RICARDO JOSE CALDERON LOPEZ,
Plaintiff-Appellant

v.

**MARTIN J. O'MALLEY, Commissioner of the Social
Security Administration,**
Defendant-Appellee

2024-1698

Appeal from the United States District Court for the
Central District of California in No. 2:23-cv-08244-DMG-
SHK, Judge Dolly M. Gee.

ON MOTION

Before STOLL, CUNNINGHAM, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

In response to this court's April 24, 2024 show cause
order, Ricardo Jose Calderon Lopez argues that this court
has jurisdiction while the Commissioner of the Social

Security Administration urges dismissal. Mr. Calderon Lopez also moves for sanctions.

On January 3, 2024, the district court dismissed Mr. Calderon Lopez's suit seeking review of a decision of the Commissioner under 42 U.S.C. § 405(g). On January 9, 2024, Mr. Calderon Lopez filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit, and, on April 9, 2024, he filed a notice of appeal directed to this court.

Our jurisdiction to review district court decisions is generally limited to cases involving 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); and cases involving 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). Mr. Calderon Lopez's case, relating to review of the Commissioner's decision, does not fall within that jurisdiction. *See* 42 U.S.C. § 405(h).¹ We conclude that dismissal, rather than transfer, is appropriate at least because Mr. Calderon Lopez has already appealed the same judgment to the Ninth Circuit. 28 U.S.C. §§ 41, 1291, 1294.

Accordingly,

IT IS ORDERED THAT:

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

¹ To the extent Mr. Calderon Lopez attempts to raise other issues that were not before the district court, such issues are not properly before this court.

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(3) Each side shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

June 25, 2024
Date