

NOTE: This order is nonprecedential.

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

**ASHLEY KELLETT, individually and on behalf of
her minor children PJK, PGK, and adult disabled
children, CEG, and MBG, JOSHUA GERMANY,**
Plaintiffs-Appellants

ANNA GRACE GERMANY,
Plaintiff

v.

UNITED STATES,
Defendant-Appellee

2024-1712

Appeal from the United States Court of Federal Claims
in No. 1:24-cv-00455-ZNS, Judge Zachary N. Somers.

ON MOTION

PER CURIAM.

O R D E R

Ashley Kellett filed an action in the United States Court of Federal Claims “pursuant to 42 U.S.C. § 1983” based on “continuing retaliation . . . by the state of

Louisiana and [its] political officials and agencies.” Dkt. No. 1 at 1–2 (capitalization omitted). On March 29, 2024, the court dismissed for lack of jurisdiction and subsequently denied Ms. Kellett’s motion for reconsideration. She appealed and has filed her opening brief.

We conclude that summary affirmance is appropriate here because there is “no substantial question regarding the outcome of the appeal.” *Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994). The Court of Federal Claims was clearly correct that it lacked jurisdiction over Ms. Kellett’s claims against Louisiana and state officials. *See United States v. Sherwood*, 312 U.S. 584, 588 (1941). The court was likewise clearly correct that it lacked jurisdiction over Ms. Kellett’s claims brought under 42 U.S.C. § 1983. *See* 28 U.S.C. § 1343 (vesting jurisdiction with federal district courts to hear civil rights claims).¹ We have considered Ms. Kellett’s remaining arguments and conclude that they do not support a contrary result.

Accordingly,

¹ Given the disposition of the case, we need not consider whether Ms. Kellett can represent her children in this litigation. *See* Fed. Cir. R. 47.3(a) (“An individual person may choose . . . to proceed [on appeal] without counsel but may not be represented by a non-[attorney].”); *Berrios v. N.Y.C. Hous. Auth.*, 564 F.3d 130, 133–35 (2d Cir. 2009).

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IT IS ORDERED THAT:

- (1) The judgment of the United States Court of Federal Claims is summarily affirmed.
- (2) All pending motions are denied.
- (3) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

November 12, 2024
Date