

NOTE: This order is nonprecedential.

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

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**PHILIP O. EMIABATA, SYLVIA EMIABATA,**  
*Plaintiffs-Appellants*

v.

**THE BANK OF NEW YORK MELLON TRUST CO.,  
SPECIALIZED LOAN SERVICING, JP MORGAN  
CHASE BANK, AVAIL., LLC, NEWREZ LLC, dba  
Shellpoint Mortgage Servicing, JOHN DOE 1  
THROUGH 5,**  
*Defendants-Appellees*

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2024-2071

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Appeal from the United States District Court for the  
District of Delaware in No. 1:23-cv-01054-RGA, Judge  
Richard G. Andrews.

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Before REYNA, LINN, and STOLL, *Circuit Judges*.

PER CURIAM.

**O R D E R**

The United States District Court for the District of Delaware transferred Philip O. Emiabata and Sylvia Emiabata's foreclosure-related action to another district court, and the Emiabatas appealed to both this court and the

United States Court of Appeals for the Third Circuit.<sup>1</sup> In response to this court's August 15, 2024 order to show cause, the Emiabatas urge transfer to the Third Circuit in the event that the court finds it lacks jurisdiction.

This court's jurisdiction to review district court cases 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). This case does not fall within that jurisdiction. Under the circumstances of this case, we deem it the better course to transfer this matter to the Third Circuit. *See* 28 U.S.C. §§ 41, 1291, 1631; *cf.* 28 U.S.C. § 1651.

Accordingly,

IT IS ORDERED THAT:

The appeal and all case filings are transferred to the United States Court of Appeals for the Third Circuit.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

November 19, 2024

Date

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<sup>1</sup> Believing the appeal to the Third Circuit was filed in error, the Emiabatas voluntarily dismissed that appeal.