

In the United States Court of Federal Claims

No. 10-618C

(Filed: September 30, 2010)

PATRICK DEVINE,

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Plaintiff,

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v.

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THE UNITED STATES,

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Defendant.

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ORDER OF DISMISSAL

Plaintiff, appearing pro se, filed the above-captioned case on September 14, 2010, seeking to "Record three Acknowledged Title Deeds as Claims under a Top Priority Foreign Judgment." His complaint consists of a variety of documents, including a letter to the Clerk of Court describing his suit; three cover sheets, each containing a description of the nature of his suit as it relates to one of the three "Acknowledged Title Deeds"; the three "Acknowledged Title Deeds" (his birth certificate, his social security card, and his record of military service), each bearing a declaration from plaintiff on its reverse side; a list of government officials who, according to plaintiff, should be provided notice of this suit; a fingerprint card; and an application to proceed in forma pauperis.¹ The court dismisses plaintiff's complaint for lack of jurisdiction and finds plaintiff's application to proceed in forma pauperis to be moot.

Whether the court has jurisdiction to decide the merits of a case is a threshold matter. See Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 94-95 (1998). Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause." Ex parte McCordle, 74 U.S. (7 Wall.) 506, 514 (1868). The parties or the court sua sponte may challenge the existence of subject matter jurisdiction at any time. Folden v. United States, 379 F.3d 1344, 1354 (Fed. Cir. 2004).

*I needed
28 USC 1346
and 1491
To give
Jurisdiction*

When considering whether to dismiss a complaint for lack of jurisdiction, a court assumes that the allegations in the complaint are true and construes those allegations in plaintiff's favor. Henke v. United States, 60 F.3d 795, 797 (Fed. Cir. 1995). A pro se plaintiff's complaint,

¹ Because the documents submitted by plaintiff contain personal identifiers, such as his birth date, social security number, and fingerprints, the court filed them under seal for his protection.