



# In the United States Court of Federal Claims

(Filed: April 17, 1995)

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GORDON W. EPPERLY

95-281 C

v.

THE UNITED STATES

APR 17 1995

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## ORDER

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Petitioner, Gordon Epperly, has filed a pro se complaint in the United States Court of Federal Claims. Because the complaint is so clearly beyond our limited jurisdiction, this court summarily dismisses the petition.

Petitioner challenges the validity of the Fourteenth Amendment. By his complaint, petitioner asks this court to make findings of fact, to submit those findings in a report to Congress, and to prepare a bill to be voted on by Congress striking the Fourteenth Amendment from the United States Constitution. Epperly alleges that the Fourteenth Amendment was not properly ratified pursuant to Article V. U.S. Const. art. V (providing for amendment to the constitution).

The general jurisdiction of the Court of Federal Claims is conferred by the Tucker Act. 28 U.S.C. § 1491 (1988 & Supp. V 1994). This jurisdiction embraces claims for money damages arising out of either a contract with the United States or a federal source of law (i.e., a provision of the U.S. Constitution, a statute, or an executive regulation) that "can fairly be interpreted as mandating compensation by the Federal Government for the damage sustained." United States v. Mitchell, 463 U.S. 206, 217 (1983).



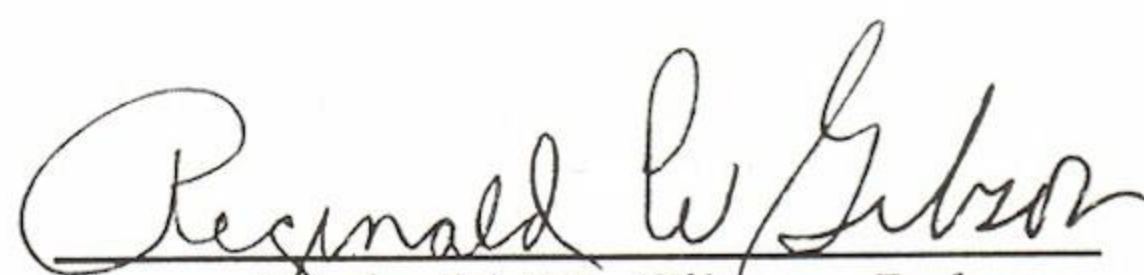
Petitioner avers that his complaint is premised on the U.S. Constitution, which he terms a trilateral contract between the United States, the fifty states, and the people. However, "from the beginning [the Court of Federal Claims] has been given jurisdiction only to award damages," United States v. King, 395 U.S. 1, 3 (1969), except in certain instances expressly provided for by statute. See, e.g., 28 U.S.C. § 1491(a)(3) (bid protest jurisdiction: injunctive relief available). Therefore, absent specific statutory authorization, this court may not grant the relief requested by petitioner, i.e., that this court make findings of fact on the validity of the Fourteenth Amendment and prepare and submit a report and bill to Congress.

Apparently, petitioner wishes the court to perform a function similar to that which it undertakes in congressional reference cases. See 28 U.S.C. § 1492 & 2509 (1988 & Supp. V 1993). Under these provisions, either House of Congress may refer a bill (except a bill for a pension) to the Court of Federal Claims. 28 U.S.C. § 1492. In such cases, the court has the duty to make findings of fact, draw conclusions, and prepare a report for submission to the appropriate House. 28 U.S.C. § 2509.

However, the Court of Federal Claims is only authorized to perform these functions when a bill is referred to the court by a House of Congress. This court has no jurisdiction under §§ 1492 and 2509 to entertain matters brought by individuals not otherwise within our jurisdiction. No other provision of law confers jurisdiction in the Court of Federal Claims to grant the relief petitioner has requested.

Accordingly, and for the above-stated reasons, we hold that the Court of Federal Claims has no jurisdiction to entertain petitioner's claim. The petition shall, therefore, be DISMISSED.

IT IS SO ORDERED.

  
Reginald W. Gibson, Judge