



In the United States Court of Federal Claims

No. 95-281C

(Filed: May 4, 1995)

GORDON W. EPPERLY

v.

THE UNITED STATES

ORDER

Petitioner, Gordon Epperly, has filed a motion for reconsideration of this court's order, dated April 17, 1995, dismissing his pro se complaint. Because the arguments raised by petitioner would not change the outcome of our initial order dismissing the complaint, we are constrained to deny said motion.

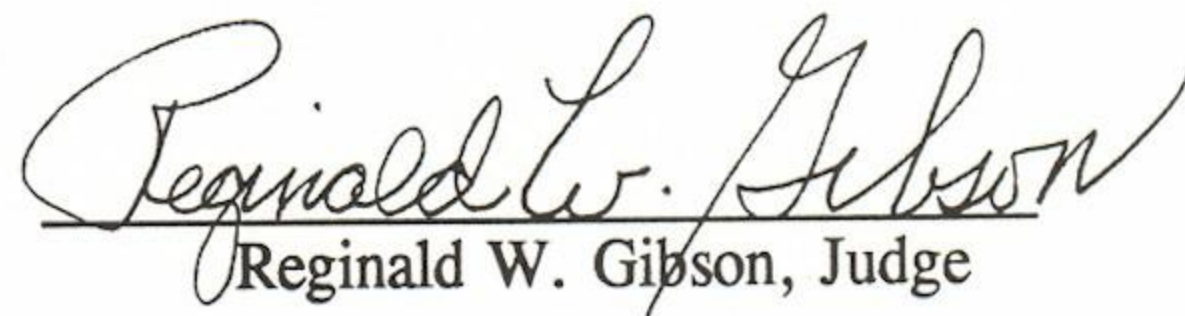
In the Order of April 17, 1995, we dismissed the complaint because said complaint failed to seek a money judgment. See United States v. King, 395 U.S. 1, 3 (1969) ("[F]rom the beginning [the Court of Federal Claims] has been given jurisdiction only to award damages"). Rather, at bar, petitioner challenged the validity of the Fourteenth Amendment and in the process sought to have the court submit a report to the U.S. Congress detailing our findings in this matter, together with a bill striking the Fourteenth Amendment from the U.S. Constitution.

It is well settled that the general jurisdiction of this court extends to claims for money damages founded upon either a contract with the United States or a federal source of law that "can fairly be interpreted as mandating [monetary] compensation by the Federal Government for the damage sustained." United States v. Mitchell, 463 U.S. 206, 217 (1983). See also 28 U.S.C. § 1491 (1988 & Supp. V 1993). The Court of Federal Claims can only grant other types of relief in very limited circumstances. See, e.g., 28 U.S.C. § 1491(a)(3) (bid protest jurisdiction). Absent specific statutory authorization, this court cannot grant the relief requested by petitioner. Because this court is not empowered to do what the petitioner has requested us to do, we dismissed the complaint.

In the present motion, petitioner urges reconsideration of the dismissal because, he avers, jurisdiction in the U.S. Court of Federal Claims is proper pursuant to the Act of Congress, February 24, 1855, 10 Stat. 612 (1855). That act was the generative law creating the Court of Claims, our predecessor court. We need not address whether that act confers jurisdiction to hear and determine the petition at bar, however, because, while the Court of Federal Claims (created in 1982) inherited substantially all of the original jurisdiction of the predecessor Court of Claims, the jurisdiction of this court is conferred solely by laws enacted by Congress which grant jurisdiction specifically to this court (i.e. the U.S. Court of Federal Claims). Petitioner has cited no provision of law which confers this court with jurisdiction over his complaint.

Therefore, in accordance with our earlier order, we clearly lack the requisite jurisdiction to entertain this matter. United States v. King, supra; United States v. Testan, 424 U.S. 392, 397 (1976) (jurisdiction limited to money claims against the United States Government"). For the foregoing reasons, petitioner's motion for reconsideration must be and is, hereby, DENIED.

IT IS SO ORDERED.


Reginald W. Gibson, Judge