

NOTE: This order is nonprecedential.

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

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**MUTAZ ALSHARA,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2024-1853

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Appeal from the United States Court of Federal Claims  
in No. 1:23-cv-01848-SSS, Judge Stephen S. Schwartz.

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**ON MOTION**

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PER CURIAM.

**ORDER**

Mutaz Alshara moves (1) for reconsideration of an order denying reconsideration of an earlier order deactivating the appeal, (2) for oral argument, (3) to expedite, (4) for disqualification or recusal, and (5) for relief on the merits of his appeal. ECF Nos. 6–7, 16–18, 22–27, 32, 34, 38–39.

The court's rules do not contemplate serial motions for reconsideration, and Mr. Alshara has shown no basis for

reconsideration in any event.<sup>1</sup> The merits panel assigned to this case will decide whether oral argument is necessary in this appeal. *Cf.* Fed. R. App. P. 34(a)(2). Mr. Alshara may self-expedite filing of his reply brief but has shown no basis to otherwise expedite. Mr. Alshara's arguments on the merits, which appear to include his requests for disqualification and recusal, belong in his reply brief.

Accordingly,

IT IS ORDERED THAT:

(1) The motions are denied. The court will take no action on any further motions seeking such relief.

(2) Mr. Alshara's reply brief is due no later than 21 days from the date of filing of this order.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

October 21, 2024  
Date

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<sup>1</sup> The court deactivated this appeal pending the trial court's resolution of a post-judgment motion, and this court previously denied Mr. Alshara's motion for reconsideration of the deactivation. The appeal since has been reactivated.

# In the United States Court of Federal Claims

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ALSHARA v. USA

Plaintiff(s),

No. 23-1848

v.

THE UNITED STATES,

Defendant.

\*\*\*\*\*

For the reasons specified in the attached deficiency memorandum, the submission identified shall be:

- Filed by my leave.
- Filed by my leave and the filing shall be titled \_\_\_\_\_.
- Filed by my leave and the party is being notified for the correction of the following defect(s) in all future filings: \_\_\_\_\_.
- Filed by my leave and the party is required to file a redacted version of the document for the public record (Rule 5.2).
- Returned to the party for the correction of defects. The party shall re-file the corrected document on or before \_\_\_\_\_. Opposing counsel's time to respond to the filing is to run from the date of re-service.
- Returned to the party unfiled.
- Rejected.

IT IS SO ORDERED.

s/Stephen S. Schwartz

UNITED STATES COURT OF FEDERAL CLAIMS

DEFICIENCY MEMORANDUM

TO: Judge Stephen S. Schwartz

FROM: CLERK'S OFFICE

CASE NAME: ALSHARA v. USA

DOCUMENT TITLE: Amended Complaint

The attached was received on 05/08/2024 via mail and the following defect(s) is/are noted:

1.  Untimely, due to be filed by \_\_\_\_\_ [Rule 7.2]
2.  Not signed [ Rule 11]
3.  Does not comply with the provisions of Rule:
  - 5.2(a) Re: redacted filings [Privacy Protection]
  - 5.4(a)(2)(A) Re: table of contents or index to appendix is missing (or in wrong location)
  - 5.4(b) Re: length of briefs or memorandum
  - 5.5(g) Re: Judge's name on all filings
  - 10(a) Re: incorrect caption; names of parties
4.  Original affidavit(s)/declaration(s) is/are missing
5.  No provision in the rules (or court order) for filing of this item
6.  Case was terminated on 05/07/2024.

**MUTAZ ALSHARA,**  
*Plaintiff-Appellant*

**v.**

**UNITED STATES,**  
*Defendant-Appellee*

---

2024-1853

---

Appeal from the United States Court of Federal Claims  
in No. 1:23-cv-01848-SSS, Judge Stephen S. Schwartz.

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**ON MOTION**

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PER CURIAM.

**ORDER**

The court construes Mutaz Alshara's submission received October 24, 2024, as his motion for reconsideration of the court's October 21, 2024 order.

Mr. Alshara has shown no basis for reconsideration.

Accordingly,

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Case: 24-1853 Document: 62 Page: 2 Filed: 12/18/2024

(262)

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ALSHARA v. US

IT IS ORDERED THAT:  
The motion is denied.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

December 18, 2024  
Date

# In the United States Court of Federal Claims

No. 23-1848C

(Filed: May 6, 2024)

**NOT FOR PUBLICATION**

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MUTAZ ALSHARA, \*

Plaintiff, \*

v. \*

THE UNITED STATES, \*

Defendant. \*

\*\*\*\*\*

## ORDER

Plaintiff Mutaz Alshara, proceeding *pro se*, seeks monetary and equitable relief based on a variety of alleged harms. See Complaint (ECF 1). The government previously moved to dismiss the case for lack of jurisdiction (ECF 11), and I granted the motion. See Opinion and Order (ECF 14). In that order, I provided that Mr. Alshara could move for leave to amend his complaint to add additional facts supporting claims that may be within the Court's jurisdiction. See *id.* at 4. On February 12, 2024, Mr. Alshara submitted a document purporting to be his amended complaint. I will construe this document as a motion for leave to amend, and the Clerk's Office is **DIRECTED** to **FILE IT BY MY LEAVE** as such.

On review of Plaintiff's submission, it does not appear to contain facts sufficient to state a claim on subjects within the Court's jurisdiction. The motion is therefore **DENIED**.

On February 21, 2024, Plaintiff submitted a letter to the Court requesting it to be his certificate of service for all his documents filed. The Clerk is **DIRECTED** to **FILE IT BY MY LEAVE**. To the extent it seeks any relief, it is hereby **DENIED**.

# In the United States Court of Federal Claims

No. 23-1848C

(Filed: January 31, 2024)

**NOT FOR PUBLICATION**

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MUTAZ ALSHARA, \*

\*

Plaintiff, \*

\*

v. \*

\*

THE UNITED STATES, \*

\*

Defendant. \*

\*

\*\*\*\*\*

## OPINION AND ORDER

Plaintiff Mutaz Alshara, proceeding *pro se*, seeks monetary and equitable relief based on a variety of alleged harms. See Complaint (ECF 1). He has also sought leave to proceed *in forma pauperis*. See Application (ECF 7). The government has moved to dismiss under RCFC 12(b)(1) and 12(b)(6).<sup>1</sup> Plaintiff's motion to proceed *in forma pauperis* is **GRANTED**. The motion to dismiss is **GRANTED**.

This Court's subject-matter jurisdiction — its authority to pass judgment on the cases before it — is limited to specific types of claims, most commonly non-tort claims for money damages under the Tucker Act. See, e.g., 28 U.S.C. § 1491(a)(1); see also *Brown v. United States*, 105 F.3d 621, 623 (Fed. Cir. 1997) (“The Court of Federal Claims is a court of limited jurisdiction.”). Perhaps confusingly for *pro se* litigants, it is not a forum for “federal claims” generally. Claims that are outside the Court's jurisdiction must be dismissed. RCFC 12(h)(3). “In determining jurisdiction, a court must accept as true all undisputed facts asserted in the plaintiff's complaint and draw all reasonable inferences in favor of the plaintiff.” *Trusted Integration, Inc. v. United States*, 659 F.3d 1159, 1163 (Fed. Cir. 2011) (citing *Henke v. United States*, 60 F.3d 795, 797 (Fed. Cir. 1995)). “Although a *pro se* plaintiff's complaint is held to a less stringent standard than those prepared by counsel, *pro se* litigants are not excused from meeting jurisdictional requirements.” *Spengler v. United States*, 688 F. App'x 917, 920 (Fed. Cir. 2017) (citations omitted) (citing *Hughes v. Rowe*, 449 U.S. 5, 9 (1980), and *Kelley v. Sec'y, U.S. Dep't of Labor*, 812 F.2d 1378, 1380 (Fed. Cir. 1987));

<sup>1</sup> See Mot. to Dismiss (ECF 11). Mr. Alshara has filed a response (ECF 13).



see also *Howard-Pinson v. United States*, 74 Fed. Cl. 551, 553 (2006) (explaining that *pro se* litigants are “entitled to a liberal construction of [their] pleadings”) (citing *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972)).

Many of Plaintiff’s allegations involve wrongdoing by private parties, state and local government officials or institutions, foreign governments, and an unidentified flying object. But this Court has no jurisdiction over claims against defendants other than the United States. *United States v. Sherwood*, 312 U.S. 584, 588 (1941). Claims arising from those allegations must be dismissed.

To the extent some of Plaintiff’s claims do implicate the United States, many of them are outside the Court’s jurisdiction for other reasons. Claims for money in this Court under the Tucker Act are premised on (1) contracts between the plaintiff and the United States, (2) illegal exactions of money by the United States, or (3) laws or constitutional provisions that require the United States to pay money to the plaintiff. *Fisher v. United States*, 402 F.3d 1167, 1172 (Fed. Cir. 2005) (citing 28 U.S.C. § 1491(a)(1)); *Spencer v. United States*, 98 Fed. Cl. 349, 355 (2011). Equitable and declaratory relief is generally outside this Court’s jurisdiction unless it is “an incident of and collateral to” a money judgment. 28 U.S.C. § 1491(a)(2). Most of Plaintiff’s claims fail those standards.

Many of Plaintiff’s claims against the United States — *e.g.*, conversion, defamation, threats, false imprisonment, invasion of privacy, interference with economic interests or contractual rights, recklessness, and negligence — are tort claims, and therefore outside this Court’s jurisdiction. See 28 U.S.C. § 1491(a)(1); *cf.* Tort, Black’s Law Dictionary (11th ed. 2019). Others involve allegations of criminal misconduct, which this Court likewise lacks jurisdiction to address. *Jones v. United States*, 440 F. App’x 916, 918 (Fed. Cir. 2011). This Court cannot grant writs of habeas corpus. *Ledford v. United States*, 297 F.3d 1378, 1381 (Fed. Cir. 2002) (explaining that the Court of Federal Claims was not one of the courts authorized by statute to grant habeas relief); see also *Rolle v. United States*, 752 F. App’x 1005, 1006–07 (Fed. Cir. 2018) (similar). Nor can it review decisions of other state or federal courts. *Jones*, 440 F. App’x at 918; see also *Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994). Plaintiff’s claims under the Geneva Conventions or other treaties are precluded by statute. 28 U.S.C. § 1502 (“Except as otherwise provided by Act of Congress, the United States Court of Federal Claims shall not have jurisdiction of any claim against the United States growing out of or dependent upon any treaty entered into with foreign nations.”).

Plaintiff may mean to claim that the United States has not adequately enforced or administered its laws, but if those allegations have any basis at all, it could only

be in equity or under the Administrative Procedure Act. This Court lacks jurisdiction over those types of claims. *Brown*, 105 F.3d at 624; *Smalls v. United States*, 87 Fed. Cl. 300, 308 (2009) (collecting cases). Plaintiff alleges that Executive Orders 14075, 13988, and 13672 create an implied contract for his protection, but none of them can fairly be read to do so.

Alleged violations of other laws and constitutional provisions Plaintiff cites are outside this Court's jurisdiction because the laws do not require payment of money. Binding or persuasive authority forecloses his claims as to most of those laws for that reason. *United States v. Connolly*, 716 F.2d 882, 887 (Fed. Cir. 1983) (First Amendment); *Trafny v. United States*, 503 F.3d 1339, 1340 (Fed. Cir. 2007) (Eighth Amendment); *Greene v. United States*, No. 22-1711C, 2023 WL 3454821, at \*2 (Fed. Cl. May 15, 2023) (Fourteenth Amendment); *Parker v. United States*, 77 Fed. Cl. 279, 291–92 (2007) (Privacy Act).

Plaintiff has suggested that claims outside this Court's jurisdiction be transferred to another court. "Transfer to a district court is appropriate if (1) the transferor court lacks jurisdiction; (2) the action could have been brought in the transferee court at the time it was filed; and (3) transfer is in the interest of justice." *Greene v. United States*, No. 23-1821, 2024 WL 317653, at \*3 (Fed. Cl. Jan. 29, 2024) (quoting *Zoltek Corp. v. United States*, 672 F.3d 1309, 1314 (Fed. Cir. 2012) (citing 28 U.S.C. § 1631)). Plaintiff has not made a showing that any other court would have jurisdiction over the claims he mentions. He also has not established that a transfer would be in the interest of justice. *Galloway Farms, Inc. v. United States*, 834 F.2d 998, 1000 (Fed. Cir. 1987) ("The phrase 'if it is in the interest of justice' relates to claims which are nonfrivolous and as such should be decided on the merits.").

Other claims that might be within this Court's jurisdiction fail for lack of factual pleadings. Plaintiff mentions violations of the Fifth Amendment, and this Court has subject matter jurisdiction over takings claims. But Plaintiff must plead facts that — if taken as true — would plausibly "establish that [a] government action caused the injury." *St. Bernard Par. Gov't v. United States*, 887 F.3d 1354, 1362 (Fed. Cir. 2018); *Adams v. United States*, 391 F.3d 1212, 1218 (Fed. Cir. 2004); see generally *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Plaintiff has provided no such facts. Similarly, although this Court has jurisdiction over claims for unjust imprisonment, see 28 U.S.C. § 1495, stating a claim would require him to allege facts that do not appear in the Complaint. See 28 U.S.C. § 2513(a). Plaintiff refers to Section 6226 of the Internal Revenue Code, but does not otherwise mention any tax disputes he has had with the United States.

Defendant's motion to dismiss is **GRANTED**. Plaintiff's motion to proceed *in forma pauperis* is **GRANTED**. If Plaintiff wishes to plead additional facts in support of the legal theories within this Court's jurisdiction, he may move for leave to file an amended complaint — in a single filing that includes all necessary attachments — no later than **March 1, 2024**.

**IT IS SO ORDERED.**

s/ Stephen S. Schwartz  
**STEPHEN S. SCHWARTZ**  
Judge



STATE OF MICHIGAN

**RICK SNYDER**  
GOVERNOR

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
CENTER FOR FORENSIC PSYCHIATRY

**NICK LYON**  
DIRECTOR

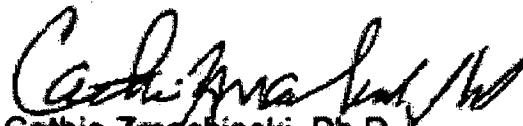
May 30, 2018

The Honorable Elizabeth Hines  
15<sup>th</sup> Judicial District Court for the County of Washtenaw  
301 East Huron Street, P.O. Box 8650  
Ann Arbor, MI 48104

RE: AL-SHARA, Mutaz  
CFP #: 1006996  
Docket #: 18-0271-SM  
Subject: Competency to Stand Trial

In summary, it is my opinion Mr. Al-Shara was capable of understanding the nature and object of the criminal legal proceedings as well as assisting defense counsel in a rational manner. Therefore, it is my opinion Mr. Al-Shara was competent to stand trial.

Respectfully submitted,

  
Cathie Zmachinski, Ph.D.  
Licensed Psychologist  
Consulting Forensic Examiner

Good afternoon.

**United States Is The Defendant**  
**Alshara Versus United States, Docket #23-1848.**  
**Honorable Doctor Judge Stephen S. Schwartz**

Good afternoon, again. This here is my amended complaint. The and now  
a series of denials to me with grants to the defendant on a Judge  
I had asked for a response for me to provide only by plaintiffs  
with focus on the fifth amendment in my "Right" protected  
civil liberties conscious. Yet continued to a trial proceedings of  
denials copes to dismiss even though I have this defense? I will have your  
know I have my lawyer. Max is opposed. I wrote perhaps confusingly for pro se  
litigants the court is not a forum for a trial. (It's literally called the Federal Court Of  
Claims). I am trying to get the best possible deal for myself so long as I do it within the rules  
of ethics. The black gown does not support various attacks on gays? The meaning of the  
judges gown & why they wear it does not ensure an threatened egotism paradigm of violence  
against gays nor that with aggression. I think there's been an writ of error by the court.  
McCulloch v. Maryland, 1819. Please accept this although (if you're Judge Stephen S.  
Schwartz reading this) it's written as: 'The Judge' & as the requested submission for me to  
amend the complaint proceeding instead of the aforementioned immediate disrespect by the  
defendants council which Judge Stephen allowed their defense to call me delusional when  
they're the defendant and then proceeded to give them a closure motion and approve or grant  
said motion to dismiss as if this was a criminal trial since the court can only pay out in  
equitable cash. This has been going on since yesteryears. We even went through the federal  
holiday of Jesus Christ? It started in 2017 or 2018 with the issues having gone on  
consecutively every year. The District court stated to file in the Federal Court Of Claims if it's  
against the United States. It's more than one incident against the United States the Federal  
Court Of Claims rules therein would make sense because I wouldn't be able to go back to sue  
the United States again. Since it's over \$10,000 in cash with the congressional requirement of  
it needed to be more than a million, it makes sense to follow instructions or to hear them of  
having to file here. I chose for the defendants defense to be commercial litigant lawyers with  
everything mentioned below in mind. We weren't going to sit here and have criminal defense  
association lawyers that benefit the bad guys on their council. Instead they brought them in  
anyway and kept calling me delusional. I can then use that and still apply it to the business  
espionage that was going on but the judge is still granting them motions to dismiss with the  
billions of dollars in loss of sales, with the businesses gone, including the... and  
the judge allowing them to call me delusional? The case hasn't even been unlimited they  
the court exhibits in there with the evidence. Same reason why perjury that doesn't sound  
Association Of Criminal Defense Lawyers. This isn't "Oh well my unlimited money and bought all the land so just go ahead & do  
like American culture? I'm opposed to torture such as whipp

Received - USCFC  
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