

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-5029

September Term, 2021

1:20-cv-03224-UNA

Filed On: February 2, 2022

Martin Moreno Ruiz,

Appellant

v.

Antony J. Blinken, Secretary of State of the
United States, U.S. Department of State, et
al.,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Rao and Walker, Circuit Judges, and Sentelle, Senior Circuit Judge

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court’s November 19, 2020 order dismissing the case without prejudice be affirmed. The district court correctly concluded that it lacks subject matter jurisdiction. “The Tucker Act provides that the ‘United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States founded ... upon any express or implied contract with the United States.’” Rochon v. Gonzales, 438 F.3d 1211, 1214 (D.C. Cir. 2006) (citing 28 U.S.C. § 1491(a)(1) (2000)). “When the contract claim is for damages in excess of \$10,000, as it is in this case, the jurisdiction of the Court of Federal Claims is exclusive.” Id. Appellant has failed to provide any alternative cause of action for his claim that would support the district court’s jurisdiction.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: */s/*
Daniel J. Reidy
Deputy Clerk