

## Note to Self: The CFC Is Not the Supreme Court

The high point of pro-se-Plaintiff Karey Coleman's litigation in the U.S. Court of Federal Claims was his two-page complaint, with its caption stating, "IN THE SUPREME COURT OF THE UNITED STATES." The case went downhill from there.

In a 13-page decision, the trial court granted the Government's motion to dismiss Coleman's lawsuit under Rule 12(b) (1), the rule that requires that a plaintiff demonstrate that the court has subject matter jurisdiction over the claims. In a pleading the trial court described as "confused," Coleman essentially sought review of a federal district court judge's dismissal of his complaint that had been dismissed for failure to state a claim, and the dismissal of his two prior appeals to the Seventh Circuit for failure to pay the docketing fee.

As a threshold matter, the CFC denied Coleman's request to file in forma pauperis. The CFC explained that although federal law "permits a court to allow plaintiffs to file a complaint without payment of fees or security, under specific circumstances," and Coleman's lack of income and absence of savings otherwise might have qualified him for in forma pauperis status, but the three-strikes bar set forth in 28 U.S.C. § 1915(g) prevented Coleman from filing on that basis.

Specifically, the "three strikes" provision of 28 U.S.C. § 1915(g) bars repetitive complainants from filing frivolous lawsuits:

*In no event shall a [person] bring a civil action or appeal a judgment in a civil action or proceeding under this section if the [person] has, on 3 or more prior occasions . . . brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted . . . .*

Having filed several lawsuits in other courts, all of which had been dismissed on procedural grounds, Coleman's in forma pauperis application to the CFC was barred as a matter of law. The CFC also entered an order barring the filing of any future in forma pauperis applications by Coleman.

Read the full opinion [here](#).