

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

JACOB ZHUCKKAHOSEE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 16-360C
	)	(Judge Susan G. Braden)
THE UNITED STATES,	)	
	)	
Defendant.	)	

**DEFENDANT'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS**

In March, Mr. Zhuckkahosee, acting *pro se*, filed suit in this Court. His original complaint did not name the United States as a defendant, but instead named 13 different individuals, who are either Wisconsin state officials, Federal officials, or officials of the Menominee Indian Tribe, of which Mr. Zhuckkahosee apparently is also a member. *See* Dkt. No. 1. In response to our motion to dismiss (Dkt. No. 7), Mr. Zhuckkahosee filed an amended complaint. Dkt. No. 9 (Amended Compl.). Mr. Zhuckkahosee's amended complaint named the United States as defendant, and identified a number of Federal statutes and state or tribal orders that he claims he was subjected to, which purportedly served to violate his rights under various Constitutional Amendments. *Id.*

Because none of his allegations gives rise to this Court's jurisdiction, we filed a motion to dismiss the amended complaint. Dkt. No. 11. Mr. Zhuckkahosee's response appears to simultaneously (1) attempt to respond to our motion to dismiss, (2) request an extension of time in which Mr. Zhuckkahosee may respond to our motion, and (3) request permission to file *another* amended complaint. Dkt. No. 12. Mr. Zhuckkahosee's response does nothing to salvage his case from our motion to dismiss, and to the extent that the Court should interpret his response as a motion to file a third complaint, that motion should be denied.

### ARGUMENT

Mr. Zhuckkahosee's amended complaint alleged that the United States illegally took Mr. Zhuckkahosee from the jurisdiction of the Menominee Tribal Court to face various Federal criminal charges, and also alleged that he was improperly subjected to various Federal sex offender statutes. *See* Amended Compl. at 2. In our motion to dismiss, we showed how none of the allegations in Mr. Zhuckkahosee's second attempt to draft a colorable complaint gives rise to jurisdiction in this Court. In response, Mr. Zhuckkahosee mentions other cases filed in this Court by his fellow prison inmates, and alludes to some unidentified mismanagement of funds of an unidentified Indian Trust Settlement (which has nothing to do with the allegations in his amended complaint). *See* Dkt. No. 12 at 2-3. Mr. Zhuckkahosee also claims that a *Bivens* complaint filed by a third party in the District Court for the District of Columbia somehow affects this Court's jurisdiction over Mr. Zhuckkahosee's claims.

Nothing in Mr. Zhuckkahosee's response does anything to address the basic fact that the allegations in his amended complaint fail to satisfy this Court's jurisdictional requirements. Mr. Zhuckkahosee merely cites other active Federal case names (and statutes), and claims in conclusory fashion that they provide jurisdiction.

Nor should this Court permit Mr. Zhuckkahosee to file a third complaint. It is clear from both the filings in this case, as well as those in the cases that Mr. Zhuckkahosee himself cites,<sup>1</sup> that Mr. Zhuckkahosee and his fellow inmates at FCI Marianna have no legitimate basis for bringing suit against the United States, and have instead wasted judicial resources in the filing of nearly a dozen lawsuits in this Court, possibly all filed by the same counsel.

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<sup>1</sup> *See, e.g., Ronald Kenyon v. U.S.*, Court of Federal Claims case no. 16-223.

Because Mr. Zhuckkahosee's amended complaint implicates no identifiable money-mandating statute, regulation, contract, or constitutional provision, the Court should dismiss this case for lack of subject matter jurisdiction.

Respectfully submitted,

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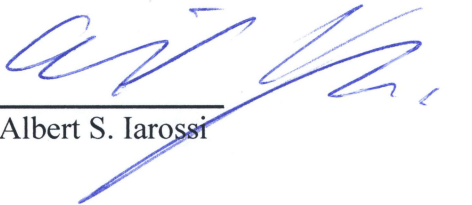
August 4, 2016

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 4th day of August, 2016, I caused to be placed in the United States mail (first-class, postage prepaid), copies of "DEFENDANT'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS" addressed as follows:

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Albert S. Iarossi