

NOTE: This order is nonprecedential.

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

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**ROGUE RIVERKEEPER, A PROJECT OF THE  
KLAMATH SISKIYOU WILDLANDS CENTER,**  
*Plaintiff-Appellee,*

v.

**DONALD BEAN,**  
*Defendant-Appellant.*

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2012-1107

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Appeal from the United States District Court for the  
District of Oregon in Case No. 11-CV-3013, Magistrate  
Judge Mark D. Clarke.

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**ON MOTION**

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Before **LOURIE, SCHALL, and DYK**, *Circuit Judges.*

PER CURIAM.

**ORDER**

Rogue Riverkeeper moves to dismiss this appeal for  
lack of jurisdiction. Donald Bean opposes. Rogue  
Riverkeeper supplements its motion, and Bean opposes

the supplementation. Bean further moves to reform the caption.

Rogue Riverkeeper argues that this court lacks jurisdiction over this appeal because the order challenged is not final or appealable. Bean appeals the district court's order denying his request to transfer the case to the United States Court of Federal Claims. Under 28 U.S.C. § 1292(d)(4)(A), this court has jurisdiction of an appeal from an interlocutory order of a district court "granting or denying, in whole or in part, a motion to transfer an action to the United States Court of Federal Claims."

Summary affirmance of a case "is appropriate, *inter alia*, when the position of one party is so clearly correct as a matter of law that no substantial question regarding the outcome of the appeal exists." *Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994). We find that summary affirmance is appropriate here. Bean appeals the district court's denial of transfer to the Court of Federal Claims, but the dispute below presents no issue over which the Court of Federal Claims has jurisdiction.

The complaint below includes citizens' enforcement claims under the Clean Water Act and Resource Conservation and Recovery Act. These claims do not fall within the jurisdiction of the Court of Federal Claims. The district court did not err in denying transfer to the Court of Federal Claims.

Accordingly,

IT IS ORDERED THAT:

- (1) The district court's denial of transfer to the Court of Federal Claims is summarily affirmed.
- (2) Each side shall bear its own costs.
- (3) All pending motions are moot.

FOR THE COURT

JUL 20 2012

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Donald Bean  
Ralph O. Bloemers, Esq.

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**FILED**  
**U.S. COURT OF APPEALS FOR**  
**THE FEDERAL CIRCUIT**

JUL 20 2012

JAN HORBALY  
CLERK