

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2007-5086

TYRONE HURT,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Tyrone Hurt, of Washington, DC, pro se.

Douglas K. Mickle, Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, for defendant-appellee. With him on the brief were Peter D. Keisler, Assistant Attorney General, Jeanne E. Davidson, Director, and Franklin E. White, Jr., Assistant Director.

Appealed from: United States Court of Federal Claims

Judge George W. Miller

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DECIDED: September 7, 2007

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Before RADER and MOORE, Circuit Judges, and YEAKEL, District Judge.<sup>\*</sup>

PER CURIAM.

Tyrone Hurt appeals the judgment of the Court of Federal Claims dismissing his claims for lack of subject matter jurisdiction, Hurt v. United States, No. 05-CV-8 (Fed. Cl. Jan. 24, 2007). We affirm.

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) (summarily affirming the Court of Federal Claims’ dismissal of a complaint). Having reviewed the papers and Hurt's brief, it is clear that the trial court correctly

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<sup>\*</sup> Honorable Lee Yeakel, District Judge, United States District Court for the Western District of Texas, sitting by designation.

concluded that it lacked jurisdiction over Hurt's case and dismissal was warranted. Thus, because no substantial question exists regarding the outcome of Hurt's appeal, the court summarily affirms the judgment of the Court of Federal Claims dismissing Hurt's case.

#### COSTS

Each party shall bear its own costs.