

NOTE: This order is nonprecedential.

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

GUILLERMO A. MONTERO,
Plaintiff-Appellant

v.

UNITED STATES, DANIEL SANTILLI,
Defendants-Appellees

2023-2059

Appeal from the United States District Court for the Southern District of Florida in No. 1:22-cv-20168-RNS, Judge Robert N. Scola, Jr.

PER CURIAM.

O R D E R

Having considered the parties' responses to this court's August 3, 2023, show cause order, we now transfer the case to the United States Court of Appeals for the Eleventh Circuit under 28 U.S.C. § 1631.

Guillermo A. Montero brought this suit against the United States in the United States District Court for the Southern District of Florida seeking in excess of \$20,000,000 for alleged fraud and violations of the Takings

Clause of the Fifth Amendment as well as state law. The district court dismissed, and Mr. Montero appeals.

This appeal does not fall within the limited authority that Congress granted this court to review decisions of district courts under 28 U.S.C. § 1295(a). In particular, although we have jurisdiction to review decisions that involve certain claims against the United States “not exceeding \$10,000 in amount,” 28 U.S.C. § 1346(a)(2); *see* § 1295(a)(2), Mr. Montero seeks more than that amount. We therefore lack jurisdiction. *See Bragg v. Keohane*, 820 F.2d 402, 403–04 (Fed. Cir. 1987). Where we lack jurisdiction, and if it is in the interest of justice, we shall transfer a case to an appropriate court. *See* 28 U.S.C. § 1631. Here, the appropriate regional circuit for review of Mr. Montero’s appeal is the United States Court of Appeals for the Eleventh Circuit. 28 U.S.C. §§ 41, 1291.

Accordingly,

IT IS ORDERED THAT:

The appeal and all its filings are transferred to the United States Court of Appeals for the Eleventh Circuit pursuant to 28 U.S.C. § 1631.

FOR THE COURT

October 30, 2023

Date

/s/ Jarrett B. Perlow

Jarrett B. Perlow

Clerk of Court