

NOTE: This order is nonprecedential.

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

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**DERRICK M. ALLEN, SR.,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2025-1240

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Appeal from the United States Court of Federal Claims  
in No. 1:24-cv-01246-SSS, Judge Stephen S. Schwartz.

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**ON MOTION**

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PER CURIAM.

**O R D E R**

Derrick M. Allen, Sr. moves for leave to proceed *in forma pauperis* on appeal from the judgment of the United States Court of Federal Claims dismissing his Complaint for lack of jurisdiction. We construe his motion, opening brief, and response to this court's show cause order as a challenge to the Court of Federal Claims's certification under 28 U.S.C. § 1915(a)(3) that any such appeal would not be taken in good faith. We conclude that the appeal is

frivolous and therefore dismiss. See 28 U.S.C. § 1915(e)(2)(B) (providing for dismissal at any time upon determination that an appeal is frivolous).

In June 2020, Mr. Allen filed a complaint at the Court of Federal Claims requesting compensation “in accordance with” 39 U.S.C. § 409(h) based on alleged wrongdoing by the United States Postal Service. In January 2022, this court affirmed the dismissal of that Complaint for lack of jurisdiction. See *Allen v. United States*, No. 2021-1631, 2022 WL 180760 (Fed. Cir. Jan. 20, 2022). Undaunted, Mr. Allen filed this Complaint in August 2024, again seeking compensation for alleged mishandling of his mail. The Court of Federal Claims dismissed for want of jurisdiction and certified under 28 U.S.C. § 1915(a)(3) that an appeal by Mr. Allen would not be in good faith.

We dismiss the appeal as frivolous. This court previously made clear to Mr. Allen that § 409(h) was not itself a money-mandating source of law that could give the Court of Federal Claims jurisdiction under the Tucker Act and that his allegations of mishandling and withholding of his mail were claims which sounded in tort, and thus outside the Tucker Act grant of jurisdiction. *Allen*, 2022 WL 180760, at \*2. Nonetheless, Mr. Allen again raises the same issues before us, without making any cogent argument why a different outcome is warranted here. Because Mr. Allen’s arguments do not present a nonfrivolous issue for appeal, we deny his motion to proceed *in forma pauperis*, see § 1915(a)(3), and dismiss his appeal from the judgment under § 1915(e)(2)(B).

Accordingly,

IT IS ORDERED THAT:

(1) ECF No. 4 is denied, and the appeal is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B).

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(2) Each side shall bear its own costs.

FOR THE COURT



April 16, 2025  
Date

Jarrett B. Perlow  
Clerk of Court