

NOTE: This order is nonprecedential.

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

ELISHA CUMMINGS,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2025-1292

Appeal from the United States Court of Federal Claims
in No. 1:24-cv-00949-MRS, Judge Molly R. Silfen.

ON MOTION

Before DYK, PROST, and CHEN, *Circuit Judges*.

PER CURIAM.

O R D E R

The United States moves to summarily affirm the judgment of the United States Court of Federal Claims dismissing Elisha Cummings's complaint over a private landlord-tenant dispute for lack of jurisdiction. Ms. Cummings has not responded but has filed an opening brief.

The Court of Federal Claims has jurisdiction only over certain monetary claims against the United States “not sounding in tort,” 28 U.S.C. § 1491(a)(1); *United States v. Sherwood*, 312 U.S. 584, 588 (1941). Here, the trial court was clearly correct that it could not entertain Ms. Cummings’s claims over her private-property dispute. After considering all of Ms. Cummings’s arguments in her opening brief, the court agrees with the government that summary affirmance is appropriate because dismissal was “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).

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The judgment of the United States Court of Federal Claims is affirmed.
- (2) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

March 19, 2025
Date