

NOTE: This order is nonprecedential.

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

MARLIN D. LOWERY,
Plaintiff-Appellant

v.

**CHEBOYGAN AREA PUBLIC SCHOOLS, SPENCER
BYRD, Cheboygan School Superintendent,
MARLENE ALEXANDER, Cheboygan Schools Hu-
man Resource Director, LEO UNEMPLOYMENT
INSURANCE AGENCY, JULIA DALE, UIA Director,
UIA DEPUTY DIRECTOR, TERRY BURNS, UIA In-
ternal Controls Division Administrator,
UNIDENTIFIED EMPLOYEES, 1-3, STATE OF
MICHIGAN, DEPARTMENT OF LABOR AND
ECONOMIC OPPORTUNITY, UNEMPLOYMENT
INSURANCE AGENCY,**
Defendants-Appellees

2025-1590

Appeal from the United States District Court for the
Eastern District of Michigan in No. 1:24-cv-11604-LVP-
PTM, Judge Linda V. Parker.

PER CURIAM.

O R D E R

Marlin D. Lowery filed this suit against various state and local officials and entities in the United States District Court for the Eastern District of Michigan under 42 U.S.C. § 1983 regarding denial of unemployment benefits. The district court dismissed, and Mr. Lowery filed a motion for reconsideration (which remains pending) and a notice of appeal directed to this court. In response to this court's April 14, 2025 order to show cause, appellees argue the appeal should be dismissed. Mr. Lowery files an opening brief but not a separate response.

In general, we only have authority to review decisions from district courts in cases that arise under the patent laws, *see* 28 U.S.C. § 1295(a)(1); civil actions on review to the district court from the United States Patent and Trademark Office, *see* § 1295(a)(4)(C); or cases that involve certain damages claims against the United States “not exceeding \$10,000 in amount,” 28 U.S.C. § 1346(a)(2), *see* § 1295(a)(2). This case does not fall within that limited jurisdiction. Under the circumstances, we conclude transfer to the United States Court of Appeals for the Sixth Circuit is appropriate. 28 U.S.C. §§ 41, 1291, 1631.¹

Accordingly,

¹ Appellees argue, in part, that the appeal should be dismissed because of Mr. Lowery's pending motion for reconsideration. Though that may render the notice of appeal not yet effective, *see* Fed. R. App. P. 4(a)(4)(B)(i), we deem it more appropriate to transfer than dismiss under the circumstances. *Cf. Slep-Tone Ent. Corp. v. Karaoke Kandy Store, Inc.*, 782 F.3d 712, 717–18 (6th Cir. 2015) (“[W]e stay the appeal pending the district court's resolution of [the] pending post-judgment motion.” (collecting cases)).

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IT IS ORDERED THAT:

This appeal and all case filings are transferred to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

May 28, 2025
Date