NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

PETER J. POLINSKI,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2026-1139

Appeal from the United States Court of Federal Claims in No. 1:25-cv-00760-DAT, Judge David A. Tapp.

Decided: September 11, 2026

PETER JOSEPH POLINSKI, Marcy, NY, pro se.

TARA K. HOGAN, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, for defendant-appellee. Also represented by PATRICIA M. MCCARTHY, BRETT SHUMATE.

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

PER CURIAM.

Peter Joseph Polinski appeals a judgment of the Court of Federal Claims (Claims Court) dismissing his complaint for lack of subject-matter jurisdiction and the Claims Court's subsequent denial of a Rule 60(b) motion under the Rules of the Court of Federal Claims (RCFC) related to that judgment. We dismiss Mr. Polinski's appeal of the judgment dismissing his complaint as untimely. As to the Claims Court's denial of Mr. Polinski's Rule 60(b) motion, we *affirm*.

BACKGROUND

Mr. Polinski has repeatedly filed suits asserting that the government has unlawfully taken various of his assets and financial instruments.[1] Here, the Claims Court characterized Mr. Polinski's allegations as seeking to establish

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[1] *See Polinski v. United States*, No. 20-281, (Fed. Cl. Nov. 17, 2020) (dismissed); *Polinski v. United States,* No. 24-947, (Fed. Cl. Jul. 23, 2024) (dismissed); *Polinski v. United States,* No. 24-1810, 2025 WL 432987 (Fed. Cl. Feb. 7, 2025), *reconsideration denied*, 2025 WL 635638 (Fed. Cl. Feb. 26, 2025), *aff'd*, 2025 WL 1441953 (Fed. Cir. May 20, 2025); *Polinski v. United States*, No. 24-2124, Fed. Cl. (Feb. 19, 2025), *aff'd*, 2025 WL 2536876 (Fed. Cir. Sept. 4, 2025); *Polinski v. United States*, No. 24-2125 (Fed. Cl. Aug. 19, 2025), *aff'd*, 2026 WL 1862380 (Fed. Cir. June 29, 2026): *Polinski v. United States*, No. 24-2136C, 2025 WL 462603 (Fed. Cl. Feb. 11, 2025), *aff'd*, 2025 WL 2938379 (Fed. Cir. Oct. 16, 2025); *Polinski v. United States*, No. 25-266, (Fed. Cl. Apr. 16, 2025) (dismissed); *Peter J. Polinski Tr. v. United States*, No. 25-568, 2025 WL 1125378 (Fed. Cl. Apr. 8, 2025) (consolidated), *appeal dismissed*, 2025 WL 3001214 (Fed. Cir. Oct. 27, 2025); *Polinski v. United States*, No. 25-783 (Fed. Cl. May 5, 2025), *aff'd*, 2026 WL 776608 (Fed. Cir. Mar. 19, 2026); *Polinski v. United States*, No. 25-785 (Fed. Cl. Jan. 30, 2026) (dismissed).

the United States' liability for the "'seizure and taking of [P]laintiff's BONDS, International Bills of Exchange[sic], GSA Bonds, and Trust Certificates, and Safe Keeping Receipts,'" S. App'x 1 (quoting S. App'x 28),[2] that Mr. Polinski used to "attempt[ ] to purchase a recreational vehicle, a Bentley Bentayga, two pontoon boats, an island, two homes, and many other luxury items." S. App'x 1.

On August 12, 2025, the Claims Court dismissed Mr. Polinski's complaint for lack of subject-matter jurisdiction, ordered him to show cause as to why he should not be subject to an anti-filing injunction, and entered judgment. The Claims Court noted that Mr. Polinski's complaint "cite[d] two possible money-mandating provisions of law: the takings clause of the Fifth Amendment and 31 U.S.C. § 3123," S. App'x 3, but the Claims Court determined that "neither of these provide[d] a sufficient basis for the Court to have jurisdiction over Mr. Polinski's untethered assertions," *id.* Mr. Polinski then filed a Rule 59(e) motion to alter or amend the judgment, which the Claims Court denied in a September 3, 2025, order. In the same order, the Claims Court declined to impose an anti-filing injunction but admonished Mr. Polinski for his "abusive litigation tactics." S. App'x 25.

Subsequently, on September 16, 2025, Mr. Polinski filed a renewed motion to alter or amend the judgment "pursuant to RCFC 59(e), or in the alternative, RCFC 60(b)." S. App'x 14. The Claims Court denied the motion on October 22, 2025. The Claims Court determined that the renewed motion was untimely under Rule 59(e) and did not contain grounds that warranted relief under Rule 60(b).

On November 5, 2025, Mr. Polinski appealed.

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[2] Citations to "S. App'x" refer to the supplemental appendix filed by the government, Dkt. No. 14.

DISCUSSION

Mr. Polinski appeals (1) the Claims Court's August 12, 2025, judgment dismissing his claims;[3] and (2) the Claims Court's October 22, 2025, denial of his September 16, 2025, renewed motion to alter or amend the judgment under Rule 59 or, alternatively, Rule 60(b).

With respect to the judgment, Mr. Polinski's appeal is untimely. Mr. Polinski filed his notice of appeal on November 5, 2025, more than 60 days after the Claims Court ruled on his motion to alter or amend the judgment on September 3, 2025. Fed. R. App. Proc. 4(a)(1)(B), 4(a)(4)(A)(iv). Mr. Polinski's September 16, 2025, motion did not extend the deadline to file his appeal because this motion was not filed within 28 days after the judgment. Fed. R. App. Proc. 4(a)(4)(A)(v); RCFC 59(e). We therefore dismiss Mr. Polinski's untimely appeal of the judgment. Our review is limited to the Claims Court's October 22, 2025, order as it pertains to Mr. Polinski's Rule 60(b) motion.[4]

We review the Claims Court's denial of an RCFC 60(b) motion for abuse of discretion. *Progressive Indus., Inc. v. United States*, 888 F.3d 1248, 1255 (Fed. Cir. 2018). In his motion, Mr. Polinski argued that the judgment should be vacated because it rests on "manifest errors of law and

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[3] Mr. Polinski also seeks to vacate the Claims Court's admonishment in its September 3, 2025, order. To the extent the admonishment is a separately appealable order, Mr. Polinski's appeal of the admonishment is also untimely for the same reasons that the appeal from the judgment is untimely.

[4] Insofar as the October 22, 2025, order also denied Mr. Polinski's renewed Rule 59(e) motion, that order is not independently appealable. *Banister v. Davis*, 590 U.S. 504, 507–09 (2020).

facts." S. App'x 14. He argues that his complaint sufficiently alleged a takings claim under the Fifth Amendment, an implied-in-fact contract claim, and a fiduciary duty claim, all of which he argues confer jurisdiction on the Claims Court under the Tucker Act. However, as the Claims Court found, Mr. Polinski has not identified authority or new evidence that suggests that the Claims Court's original judgment rested on a judicial mistake of law or fact, and instead merely relitigates the merits. "'[Rule 60 motions] are not to be used as an opportunity to relitigate the case.'" *Golden Bridge Tech., Inc. v. Apple Inc.*, 758 F.3d 1362, 1369 (Fed. Cir. 2014) (quoting *Blystone v. Horn*, 664 F.3d 397, 415 (3d Cir. 2011)). As such, we see no error in the Claims Court's conclusion that further consideration of Mr. Polinski's claims was unwarranted. The Claims Court did not abuse its discretion in denying Mr. Polinski's Rule 60(b) motion.

We have considered Mr. Polinski's remaining arguments and find them unpersuasive.

AFFIRMED-IN-PART AND DISMISSED-IN-PART

COSTS

No costs.