NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

ED VALLEJO,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2026-1374

Appeal from the United States Court of Federal Claims in No. 1:25-cv-01937-EJD, Senior Judge Edward J. Damich.

ON MOTION

PER CURIAM.

O R D E R

Ed Vallejo appeals from the final judgment of the United States Court of Federal Claims dismissing his complaint for lack of jurisdiction and denying his motion for reconsideration. The United States moves for summary affirmance.[1] Mr. Vallejo has not responded.

This is one of several suits Mr. Vallejo has brought concerning a mortgage he alleges was held at one time by the Federal National Mortgage Association ("Fannie Mae"). Among those suits was Mr. Vallejo's complaint against Fannie Mae and others, filed in the United States Bankruptcy Court for the Central District of California, alleging, among other things, a failure to provide notice of assignment as required by 15 U.S.C. § 1641(g) and violations of an earlier bankruptcy discharge order by continuing to collect on the debt and threatening foreclosure.[2]

While Mr. Vallejo's appeal from an adverse judgment in that case was pending before the United States Court of Appeals for the Ninth Circuit,[3] Mr. Vallejo filed the present complaint in the Court of Federal Claims in which he asserted a claim under the Truth in Lending Act based on Fannie Mae allegedly violating "15 U.S.C. § 1641(g) by failing to notify [him] of assignments;" a breach of contract claim based on Fannie Mae's alleged failure to "properly service the loan, provide notices, and honor payment disputes;" and a Fifth Amendment taking based on "repeated assertions of invalid liens and foreclosure threats" that he claims "have effected an attempted regulatory taking of [his] property interest." ECF No. 13 at Appx14–16. On the government's motion, the Court of Federal Claims

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[1] The United States's motion docketed as ECF No. 13 supersedes a prior version docketed as ECF No. 3. No action will be taken on ECF No. 3.

[2] *See Vallejo v. Fed. Nat'l Mortg. Ass'n*, No. 1:23-ap-1010 (C.D. Cal. Apr. 4, 2023), ECF No. 1.

[3] *Vallejo v. Fed. Nat'l Mortg. Ass'n*, No. 24-7612.

dismissed for lack of jurisdiction and subsequently denied Mr. Vallejo's timely motion for reconsideration of that decision.

Summary affirmance is appropriate when a judgment is "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). We agree that dismissal was clearly correct here at least because the claims were barred under 28 U.S.C. § 1500, which precludes the Court of Federal Claims's review of "any claim for or in respect to which the plaintiff . . . has pending in any other court any suit or process against the United States." That bar clearly applies here, because (1) Mr. Vallejo asserted that Fannie Mae is an instrumentality of the United States, ECF No. 13 at Appx11; (2) Mr. Vallejo's appeal regarding the bankruptcy proceeding was pending in the Ninth Circuit when he filed the present action at the Court of Federal Claims; and (3) the two actions are "based on substantially the same operative facts." *United States v. Tohono O'Odham Nation*, 563 U.S. 307, 317 (2011).[4]

Accordingly,

IT IS ORDERED THAT:

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[4] As the trial court also correctly noted, the Court of Federal Claims does not have authority to address collateral challenges to decisions of the bankruptcy courts. *See Allustiarte v. United States*, 256 F.3d 1349, 1350 (Fed. Cir. 2001).

(1) The motion is granted, and the Court of Federal Claims's judgment is summarily affirmed.

(2) Each party shall bear its own costs.

FOR THE COURT

Jarrett B. Perlow
Clerk of Court

August 26, 2026
Date