NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

JUSTIN PAUL DREILING,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2026-1409

Appeal from the United States Court of Federal Claims in No. 1:25-cv-02133-LAS, Senior Judge Loren A. Smith.

ON MOTION

Before TARANTO, HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

Justin Paul Dreiling brought this suit against the United States seeking a declaration that "[t]he composition of the Judicial Council of the Federal Circuit" is "contrary to law" by not including district court judges and challenging "the ability" of the Council to issue certain orders. ECF No. 7 at 63, 73. The United States Court of Federal Claims

dismissed for lack of jurisdiction. Mr. Dreiling appeals and files his opening brief. The United States moves to summarily affirm. Mr. Dreiling opposes.

As long understood by the Supreme Court, the Tucker Act, 28 U.S.C. § 1491, limits the review authority of the Court of Federal Claims to claims for money damages against the United States based on sources of substantive law that "can fairly be interpreted as mandating compensation by the Federal Government," *United States v. Navajo Nation,* 556 U.S. 287, 290 (2009) (citation omitted). Here, Mr. Dreiling has readily acknowledged that he is not presenting such claims. ECF No. 11 at 8, 12. Thus, "no substantial question regarding the outcome . . . exists." *Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994).

Mr. Dreiling contends that "[t]he jurisdiction of the[] Court of Federal Claims under 28 U.S.C. § 1491(a)(1) is not limited to only money-mandating claims." ECF No. 7 at 53. But, as we have repeatedly explained to him, "[t]his court has no power to overturn long-standing and binding Supreme Court precedent holding the Court of Federal Claims' jurisdiction is limited to monetary claims against the government." *Dreiling v. United States*, No. 2025-2155, 2026 WL 1020560, at *2 (Fed. Cir. Apr. 15, 2026).

Mr. Dreiling also opposes the motion based on the assertion that we (and all members of the Judicial Council) should recuse as "a party to the appeal." ECF No. 11 at 5 (citing 28 U.S.C. § 455). However, the judges on this panel are not the defendants here. And we readily find a reasonable observer would not conclude that our membership on the Judicial Council is a basis to reasonably question our impartiality in deciding whether Mr. Dreiling's claims against the United States fall within the limited jurisdiction of the Court of Federal Claims.

Accordingly,

IT IS ORDERED THAT:

(1) The motion for summary affirmance is granted. The judgment of the United States Court of Federal Claims is summarily affirmed.

(2) Any other pending motion is denied.

(3) Each side shall bear its own costs.

FOR THE COURT

Jarrett B. Perlow
Clerk of Court

May 22, 2026
Date