



## Scott v. Merit Systems Protection Board

2017 | Cited 0 times | Federal Circuit | April 6, 2017

Case: 23-1244 Document: 15 Page: 1 Filed: 06/08/2023

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit \_\_\_\_\_

EMMANUEL MARQUIS LOCKETT, Plaintiff-Appellant

v.

HELFMAN MOTOR SALES INC., ALAN HELFMAN, STEVEN WOLF, CAPITAL ONE AUTO FINANCE, RICHARD FAIRBANK, in his individual and corporate capacity as CEO of Capital One Auto Finance, DARREN ALCUS, in his individual and corporate capacity of CEO of Capital One Auto Finance, Defendants-Appellees \_\_\_\_\_

2023-1244 \_\_\_\_\_

Appeal from the United States District Court for the Southern District of Texas in No. 4:21-cv-04082, Magistrate Judge Sam S. Sheldon. \_\_\_\_\_

ON MOTION \_\_\_\_\_

Before PROST, REYNA, and STARK, Circuit Judges. PER CURIAM. ORDER

Case: 23-1244 Document: 15 Page: 2 Filed: 06/08/2023

2 LOCKETT v. HELFMAN MOTOR SALES INC.

Appellees move to reform the official caption. In response to this court's March 28, 2023, order to show cause, the appellees also urge dismissal of this appeal. Emmanuel Marquis Lockett has not responded. Mr. Lockett filed this suit against the appellees alleging violation of consumer protection laws arising out of the purchase and financing of a vehicle. On August 31, 2022, the district court dismissed Mr. Lockett's claims as to certain defendants and denied Mr. Lockett's request for an injunction against repossession of the vehicle. Mr. Lockett filed this appeal on October 3, 2022. \* Mr. Lockett's appeal does not fall within the limited authority that Congress



## Scott v. Merit Systems Protection Board

2017 | Cited 0 times | Federal Circuit | April 6, 2017

granted to this court to review decisions of federal district courts under 28 U.S.C. § 1295 (a). That jurisdiction extends only to cases arising 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 certain damages claims against the United States “not exceeding \$10,000 in amount,” 28 U.S.C. § 1346 (a)(2), see 28 U.S.C. § 1295 (a)(2). While the appellees urge dismissal, under the circumstances, we deem it the better course to transfer the case pursuant to 28 U.S.C. § 1631 to the United States Court of

\* On January 12, 2023, Mr. Lockett filed a notice at the district court that he seeks to voluntarily dismiss the action “without prejudice,” but that notice was not signed by all parties who had appeared. On May 3, 2023, Mr. Lockett, Capital One Auto Finance, Richard Fairbank, and Darren Alcus filed at the district court a joint stipulation of dismissal with prejudice, but that stipulation was not signed by all parties and the district court has not issued an order dismissing the remaining claims.

Case: 23-1244 Document: 15 Page: 3 Filed: 06/08/2023

LOCKETT v. HELFMAN MOTOR SALES INC. 3

Appeals for the Fifth Circuit to consider any arguments regarding lack of jurisdiction or dismissal. Accordingly, IT IS ORDERED THAT: The appeal and all its filings are transferred to the United States Court of Appeals for the Fifth Circuit pursuant to 28 U.S.C. § 1631 . FOR THE COURT

June 8, 2023 /s/ Jarrett B. Perlow Date Jarrett B. Perlow Acting Clerk of Court

