

## Pro Se Litigant Held to Same Jurisdictional Pleading Standards

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Pro se Plaintiff, Todd Herbert, recently found out that his claims would be held to the same jurisdictional standards as any plaintiff represented by counsel. In September 2013, Herbert filed a lawsuit in the U.S. Court of Federal Claims, challenging a levy imposed by the I.R.S. on his wages for alleged tax liabilities. The Government filed a motion to dismiss under Rules 12(b)(1) and 12(b)(6), arguing that the court lacked subject matter jurisdiction over the claims and that the complaint failed to allege a legally cognizable claim. The Government specifically contended that Herbert had not paid his tax liability in full, the claims sounded in tort, and the complaint failed to identify any source of substantive law creating the right to pursue money damages in the CFC.

On January 28, 2014, the trial court granted the Government's motion to dismiss, agreeing with the Government's contentions on all grounds. The trial court explained its ruling by noting that while normally pro se litigants are held to less stringent pleading standards, that rule cannot apply when jurisdictional standards are at issue:

Where subject matter jurisdiction is challenged, the plaintiff must establish the Court's jurisdiction by a preponderance of the evidence. If the Court finds that it lacks subject matter jurisdiction, it must dismiss the claim.

In this case, the court concluded that it had no subject matter jurisdiction over any of Herbert's claims and thus dismissed the lawsuit.

To read the full decision, click [here](#).