

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ROBERT JAMES WALTON,

Plaintiff,

vs.

**GENERAL SERVICES ADMINISTRATION,
et al.,**

Defendants.

CIVIL ACTION

Case No. 02-3272-CM

MEMORANDUM AND ORDER

Plaintiff, a federal prisoner appearing pro se, filed the instant action under the Federal Tort Claims Act alleging that defendants expropriated plaintiff's intellectual property. On January 15, 2004, this court dismissed plaintiff's action for lack of subject matter jurisdiction. Specifically, this court determined that plaintiff's claim alleges both a protectable copyright interest and that the United States infringed on that interest, and that, accordingly, the United States Court of Federal Claims enjoys exclusive jurisdiction pursuant to 28 U.S.C. § 1498. Plaintiff moved the court to reconsider its dismissal of the case (Doc. 51), which the court granted on May 4, 2004. The court accordingly transferred the case to the United States Court of Federal Claims.

On June 21, 2004, plaintiff filed a Motion for Default Judgment (Doc. 61), requesting the court to enter default judgment against the individual defendants in their individual capacities. However, this court has concluded that exclusive jurisdiction over plaintiff's lawsuit lies in the United States Court of Federal Claims. Accordingly, this court lacks jurisdiction to entertain plaintiff's motion. *In re N.L.R.B.*, 58 U.S. 1001, 1005 (1938) (where a court lacks jurisdiction of the subject matter it "must refrain from any adjudication of rights in connection therewith").

IT IS THEREFORE ORDERED that plaintiff's Motion for Default Judgment (Doc. 61) is denied.

Dated this 30 day of June 2004, at Kansas City, Kansas.

s/ Carlos Murguia _____
CARLOS MURGUIA
United States District Judge