

**FILED**

**JUN - 8 2011**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

JOSE G. APOLLO, SR.,

Plaintiff,

v.

ERIC K. SHINSEKI,

Defendant.

Civil Action No.

**11 1054**

**MEMORANDUM OPINION**

This matter is before the Court upon consideration of plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The application will be granted, and the complaint will be dismissed.

Plaintiff appears to challenge two decisions of the United States Court of Appeals for Veterans Claims. Such an appeal must be brought before the United States Court of Appeals for the Federal Circuit. *See* 38 U.S.C. § 7292(a); *Vietnam Veterans of Am., Inc. v. McNamara*, No. 02-2123, 2003 WL 24063631, at \*3 (D.D.C. Sept. 30, 2003) ("Appeals from the [Court of Appeals for Veterans Claims] must be made to the United States Court of Appeals for the Federal Circuit."). The Court will dismiss the complaint for lack of subject matter jurisdiction. *See Matthews v. Shinseki*, 399 Fed. App'x 598 (D.C. Cir. 2010) (affirming dismissal of veteran's complaint for lack of subject matter jurisdiction because "the Veterans' Benefits Act of 1957, as amended, precludes direct judicial review in Article III courts of VA decisions affecting the provision of benefits"). An Order is issued separately.

DATE:

5/31/11

  
United States District Judge