

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

RICHARD JASMIN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 23-0405 (UNA)
)	
VA SECRETARY McDONAUGH, <i>et al.</i> ,)	
)	
Defendants.)	

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 for the reasons stated below, the complaint will be dismissed without prejudice.

It appears that plaintiff is demanding benefits from, or challenging the withholding of benefits by, the Department of Veterans Affairs. The Secretary of Veterans Affairs “shall decide all questions of law and fact necessary to a decision by the Secretary under a law that affects the provision of benefits by the Secretary to veterans[.]” 38 U.S.C. § 511(a). The Secretary’s decision “as to any such question shall be final and conclusive and may not be reviewed by any other official or by any court[.]” *Id.* Because § 511 precludes review by this federal district court “of VA decisions affecting the provision of veterans’ benefits[.]” *Price v. United States*, 228 F.3d 420, 421 (D.C. Cir. 2000) (per curiam), this Court lacks subject matter jurisdiction over plaintiff’s claims. *See Blue Water Navy Vietnam Veterans Ass’n, Inc. v. McDonald*, 830 F.3d 570, 573 (D.C. Cir. 2016); *Thornton v. United States*, 281 F. Supp. 3d 116, 119 (D.D.C. 2017), *aff’d*, No. 18-5049, 2018 WL 4610744 (D.C. Cir. Aug. 22, 2018) (per curiam), *cert. denied*, 139

S.Ct. 2756 (2019); *Melvin v. U.S. Dep't of Veterans Affairs*, 70 F. Supp. 3d 350, 358 (D.D.C. 2014), *aff'd*, No. 14-5263, 2015 WL 3372292, at *1 (D.C. Cir. May 6, 2015) (per curiam); *see also Peavey v. Holder*, 657 F. Supp. 2d 180, 186 (D.D.C. 2009) (dismissing challenge to VA's decisions on benefits claim notwithstanding veteran's "attempts to avoid application of § 511 by labeling his claims as constitutional claims").

The Court will dismiss the complaint for lack of subject matter. An Order is issued separately.

DATE: February 24, 2023

/s/
RUDOLPH CONTRERAS
United States District Judge