

FILED

FEB - 3 2009

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

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

ANTOLIN ANDREW MARKS,

Petitioner,

v.

JEFF ATKINS, *et al.*,

Respondents.

Civil Action No. **09 0196**

MEMORANDUM OPINION


This matter is before the Court for consideration of petitioner's application to proceed *in forma pauperis* and *pro se* petition. The Court will grant the application and dismiss the petition.

It appears that petitioner has been a vexatious litigant that the Supreme Court of the United States. He states that the Supreme Court has directed "the Clerk . . . not to file any further petitions in noncriminal matters unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1." Pet. at 2. In this action, petitioner asks this Court to issue a writ of mandamus directing the Supreme Court Clerk to accept his most recent petition "as of December 10[], 2008[,]. . . the last possible date for filing the action." *Id.* at 16.

The Clerk of the Supreme Court is the designated recipient of all documents filed with the Supreme Court, and is authorized to reject any filing that does not comply with the applicable rules and orders. *See* Sup. Ct. R. 1. This Court has no authority to determine what action, if any, must be taken by the Justices of the Supreme Court and the Supreme Court's administrative

officers. *See In re Marin*, 956 F.2d 339, 340 (D.C. Cir.), *cert. denied*, 506 U.S. 844 (1992). In any event, judges and other court officials have absolute immunity for their actions taken in a judicial or quasi-judicial capacity. *Stump v. Sparkman*, 435 U.S. 349, 356 (1978).

The Court will dismiss this action for failure to state a claim upon which relief can be granted. *See* 28 U.S.C. § 1915A(b). An Order consistent with this Memorandum Opinion will be issued separately on this same date.


United States District Judge

Date: Jan. 27, 2009