

FILED

MAR 17 2008

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

Maurice J. McDonald,

Plaintiff,

v.

William K. Suter *et al.*,

Defendants.

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Civil Action No.

08 0668

MEMORANDUM OPINION

This matter, transferred from the Southern District of Illinois, is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant the application and dismiss the complaint for lack of subject matter jurisdiction.<sup>1</sup>

Plaintiff is an Illinois prisoner suing United States Supreme Court Clerk William K. Suter, Deputy Clerk Ruth Jones and the Office of the Clerk of the Supreme Court for refusing to file his petition for a writ of certiorari. This Court lacks subject matter jurisdiction to review the decisions of Supreme Court employees made, as alleged here, during the performance of their official duties. *In re Marin*, 956 F.2d 339 (D.C. Cir. 1992). And, "[i]t seems axiomatic that a lower court may not order the judges or officers of a higher court to take an action." *Panko v. Rodak*, 606 F.2d 168, 171 n.6 (7th Cir. 1979), *cert. denied*, 444 U.S. 1081 (1980). Accordingly, the complaint is dismissed. A separate Order accompanies this Memorandum Opinion.

  
United States District Judge

Date: March 18, 2008

<sup>1</sup> "If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." Fed. R. Civ. P. 12(h)(3).

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