

**FILED**

APR 29 2008

Clerk, U.S. District and  
Bankruptcy CourtsUNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Gene E. Smith Sr.,

Plaintiff,

v.

Supreme Court of the United States *et al.*,

Defendants.

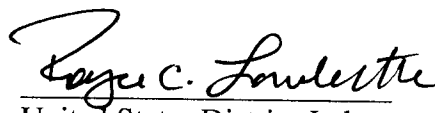
Civil Action No.

**08 0737**

## MEMORANDUM OPINION

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

Plaintiff is a resident of Las Vegas, Nevada, suing the United States Supreme Court, Supreme Court Clerk William K. Suter, and deputy clerks for allegedly refusing to file his documents. 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: April 15, 2008

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<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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