

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

GREGORY CHARLES KRUG,

Plaintiff,

v.

JOHN PAUL STEVENS and  
GAIL B. JOHNSON,

Defendants.

Civil Action No. 08-891 (CKK)

**MEMORANDUM OPINION**

(June 2, 2008)

This matter is before the Court on plaintiff's *pro se* Complaint filed on May 27, 2008. The Court shall dismiss the complaint *sua sponte* pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii) (“[n]otwithstanding any filing fee . . . that may have been paid, the court shall dismiss the case at any time if the court determines that the action . . . seeks monetary relief against a defendant who is immune from such relief”) and Federal Rule of Civil Procedure 12(h)(3) (“[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action”).

Plaintiff is suing United States Supreme Court Justice John Paul Stevens and Court Clerk Gail B. Johnson for allegedly refusing to file and/or destroying documents that he sent to the Court. Judges and clerks are absolutely immune from lawsuits predicated on acts taken, as alleged here, in their judicial capacities. *Forrester v. White*, 484 U.S. 219, 225 (1988); *Stump v. Sparkman*, 435 U.S. 349, 355-57 (1978); *Sindram v. Suda*, 986 F.2d 1459, 1460 (D.C. Cir. 1993). This Court also 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, Plaintiffs' Complaint shall be dismissed, and the summons issued shall be quashed. A separate Order accompanies this Memorandum Opinion.

Date: June 2, 2008

/s/  
COLLEEN KOLLAR-KOTELLY  
United States District Judge