

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

GREGORY CHARLES KRUG,)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 10-02069 (ABJ)
)	
JOHN G. ROBERTS, JR., <i>et al.</i> ,)	
)	
Defendants.)	
)	

MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* complaint filed on December 3, 2010. The Court will dismiss the complaint *sua sponte* for lack of subject matter jurisdiction.¹

Plaintiff is a prisoner at the United States Penitentiary in Salters, South Carolina suing the nine justices of the United States Supreme Court seeking damages for the justices' alleged failure to recuse themselves from considering a petition for a writ of certiorari that plaintiff filed in 2009. Compl ¶ 7. This Court lacks subject matter jurisdiction to review the decisions of the Supreme Court. *In re Marin*, 956 F.2d 339 (D.C. Cir. 1992). Denial of a petition for writ of certiorari is a judicial action and the Supreme Court justices are absolutely immune from liability. *Reddy v. O'Connor*, 520 F. Supp. 2d 124, 130 (D.D.C. 2007) (citing *Sindram v. Suda*, 986 F.2d 1459 (D.C. Cir. 1993).

¹ "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).

Accordingly, the complaint is dismissed. A separate Order accompanies this Memorandum Opinion.

/s/
AMY BERMAN JACKSON
United States District Judge

DATE: June 13, 2011