FILED
DEC 27 2012
Clerk, U.S. District and Bankruptcy Courts

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Jeffrey J. Moran,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 12-2063
	)	
Richard H. Battey *et al.*,	)	
	)	
Defendants.	)	

MEMORANDUM OPINION

Plaintiff, a South Dakota state prisoner proceeding *pro se*, has submitted a Complaint and an application to proceed *in forma pauperis*. Plaintiff sues United States District Judge Richard H. Battey of the District of South Dakota, and the Clerk of that Court, Joseph A. Haas, for alleged rulings made during plaintiff's civil lawsuit, which allegedly was dismissed as frivolous on April 12, 2012. *See* Compl. at 1-2. Plaintiff seeks, among other relief, the removal of both judicial officers and monetary damages exceeding $3 million. *Id.* at 3-4. The Court will grant plaintiff's application to proceed *in forma pauperis* and will dismiss this action for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action "at any time" it determines that subject matter jurisdiction is wanting).

Jurisdiction is wanting for three reasons. First, a federal district court is not a reviewing court and, thus, lacks subject matter jurisdiction to review the decisions of other courts. *See* 28 U.S.C. §§ 1331, 1332 (general jurisdictional provisions); *Fleming v. United States*, 847 F. Supp. 170, 172 (D.D.C. 1994), *cert. denied* 513 U.S. 1150 (1995). Second, judges and clerks of court are absolutely immune from lawsuits based on acts, as alleged here, taken in their official

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capacity. *Sindram v. Suda*, 986 F.2d 1459, 1460 (D.C. Cir. 1993). Third, the instant complaint is "patently insubstantial, presenting no federal question suitable for decision.' " *Caldwell v. Kagan*, 777 F. Supp. 2d 177, 178 (D.D.C. 2011) (quoting *Tooley v. Napolitano*, 586 F.3d 1006, 1009 (D.C. Cir. 2009)). A separate order of dismissal accompanies this Memorandum Opinion.

Date: December 19th, 2012

United States District Judge