

**FILED**

**MAR 22 2013**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Tiayon Kardell Evans,

Plaintiff,

v.

William K. Suter,

Defendant.

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Civil Action No. **13 374**

MEMORANDUM OPINION

This action is before the Court on its initial review of 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. See Fed. R. Civ. P. 12(h)(3) (requiring dismissal of an action "at any time" the Court determines that it lacks subject matter jurisdiction).

Plaintiff, a prisoner at the Federal Correctional Institution Elkton in Lisbon, Ohio, sues the Clerk of the United States Supreme Court for refusing to file his application for a writ of habeas corpus addressed to Justice Elena Kagan. Compl. ¶¶ 8-12. Plaintiff seeks \$1.2 million in damages. *Id.* at 5. This Court lacks jurisdiction to review the decisions of the United States Supreme Court, including those of its Clerk of Court. *In re Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992); see *Panko v. Rodak*, 606 F.2d 168, 171 n.6 (7th Cir. 1979), *cert. denied*, 444 U.S. 1081 (1980) ("It seems axiomatic that a lower court may not order the judges or officers of a higher court to take an action."). Therefore, this case will be dismissed with prejudice. A separate Order accompanies this Memorandum Opinion.



United States District Judge

Date: March 20, 2013