

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
SEP 26 2013
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

THEODORE E. POWELL,)
)
)
 Plaintiff,)
)
 v.) Civil Action No. **13-1568**
)
)
 MAYOR VINCENT GRAY, *et al.*,)
)
)
 Defendants.)

MEMORANDUM OPINION

This matter is before the Court on the plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint.

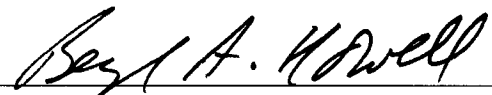
The plaintiff, a former teacher with the District of Columbia Public Schools, again brings a lawsuit against the Washington Teachers Union, among others, arising from its alleged failure to represent him in pursuing a grievance. As the plaintiff well knows, his exclusive remedy for such employment-related claims comes by way of the District of Columbia's Comprehensive Merit Personnel Act ("CMPA"). See D.C. Code §§ 1-601.01 *et seq.*; *McManus v. District of Columbia*, 530 F. Supp. 2d 46, 77-78 (D.D.C. 2007); *see also Powell v. Am. Fed. of Teachers*, No. 12-1384, 2012 WL 3757731, at *1 (D.D.C. Aug. 22, 2012); *Powell v. Am. Fed. of Teachers*, 883 F. Supp. 2d 183, 187 (D.D.C. 2012). "Under the CMPA, an employee must first bring a grievance to the District of Columbia Public Employee Relations Board ('PERB')," and "[o]nly after a final order of the PERB has been issued can the plaintiff seek judicial review, which must

commence in the Superior Court of the District of Columbia.” *Powell*, 883 F. Supp. 2d at 187 (citations omitted). Even though both the Superior Court and the District of Columbia Court Appeals have denied his request for relief, *see* Compl., Ex. (Memorandum Opinion and Judgment, *Powell v. Washington Teachers’ Union*, No. 12-CV-1715 (D.C. Ct. App. Aug. 28, 2013) (per curiam)), plaintiff still has no recourse in this Court. “[F]ederal district courts lack jurisdiction to review judicial decisions by state and District of Columbia courts.” *Richardson v. District of Columbia Court of Appeals*, 83 F.3d 1513, 1514 (D.C. Cir. 1996) (citing *District of Columbia v. Feldman*, 460 U.S. 462, 476 (1983) and *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923)).

An Order accompanies this Memorandum Opinion.

DATE:

9/19/2013


United States District Judge