APR 1 3 2015
Clerk, U.S. District & Bankruptcy

Courts for the District of Columbia

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

CHARLES EDWARD FIELDS,))
Plaintiff,) Case: 1:15-cv-00560 Assigned To: Unassigned Assign. Date: 4/13/2015 Description: Pro Se Gen. Civil (F Deck)
v.	
SCOTT S. HARRIS,	
Defendant.))

MEMORANDUM OPINION

This matter is before the Court on the plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The Court will grant the application and will dismiss the complaint for failure to state a claim upon which relief can be granted. *See* 28 U.S.C. §§ 1915(e)(2)(B), 1915A(b).

The plaintiff brings this action against the Clerk of the Supreme Court of the United States. He alleges that the defendant "denied [him] access to the Supreme Court and equal protection of the law by rejecting" his petition for a writ of certiorari. *See* Compl. at 3, 5-6. The plaintiff demands a declaratory judgment, *id.* at 8-9, and compensatory damages, *id.* at 9-10. In addition, the plaintiff demands injunctive relief, that is, an order directing defendant to file his petition for a writ of certiorari. *Id.* at 9.

The Clerk of the Supreme Court is the designated recipient of all documents filed with the Supreme Court, and is authorized to reject any filing that does not comply with the applicable rules and orders. *See* Sup. Ct. R. 1. This Court has no authority to determine what action, if any,

must be taken by the Supreme Court and its administrative officers. *See In re Marin*, 956 F.2d 339, 340 (D.C. Cir.), *cert. denied*, 506 U.S. 844 (1992). Furthermore, insofar as the plaintiff demands compensatory damages, the defendants are absolutely immune from suit. The absolute judicial immunity afforded to judges, *see Sindram v. Suda*, 986 F.2d 1459, 1460 (D.C. Cir. 1993) ("Judges enjoy absolute judicial immunity from suits for money damages for all actions taken in the judge's judicial capacity, unless these actions are taken in the complete absence of all jurisdiction."), extends to court clerks performing "tasks that are an integral part of the judicial process." *Id.* at 1460-61.

Pursuant to the Prison Litigation Reform Act ("PLRA"), unless a prisoner "is under imminent danger of serious physical injury," he may not proceed in forma pauperis if while incarcerated he has filed at least three prior cases that were dismissed as frivolous, malicious, or for failure to state a claim. 28 U.S.C. § 1915(g); see Ibrahim v. District of Columbia, 463 F.3d 3, 6 (D.C. Cir. 2006) (noting that "[t]he sole exception to the 'three strikes' rule of § 1915(g) is where the prisoner is 'under imminent danger of serious physical injury'"). The Court notes that two of the plaintiff's prior civil actions have been dismissed for failure to state a claim upon which relief can be granted. See Fields v. Sprader, No. 2:13-cv-326, 2014 WL 905884, at *7 (W.D. Mich. Mar. 7, 2014) (dismissing action under 28 U.S.C. §§ 1915(e)(2) and 1915A(b) and certifying that an appeal would not be taken in good faith); Fields v. Gerth, No. 2:13-cv-306, 2013 WL 6384592, at *6 (W.D. Mich. Dec. 6, 2013) (dismissing action under 28 U.S.C. §§ 1915(e)(2) and 1915A(b), certifying that an appeal would not be taken in good faith, and stating that "[t]his is a dismissal as described by 28 U.S.C. § 1915(g)"), aff'd, No. 14-1244 (6th Cir. Sept. 26, 2014). Dismissal of this action under 28 U.S.C. §§ 1915(e)(2)(B), 1915A(b) is the plaintiff's third "strike" for purposes of 28 U.S.C. § 1915(g). The plaintiff is advised that,

"unless [he] is under imminent danger of serious physical injury," 28 U.S.C. § 1915(g), he may not be allowed to proceed *in forma pauperis*.

An Order consistent with this Memorandum Opinion is issued separately.

DATE: 4/18/15

United States District Judge