

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 20 2015

**Clerk, U.S. District and
Bankruptcy Courts**

David R. Conley,

Plaintiff,

v.

United States of America *et al.*,

Defendants.

Case: 1:15-cv-01155

Assigned To : Unassigned

Assign. Date : 7/20/2015

Description: Pro Se Gen. Civil F Deck

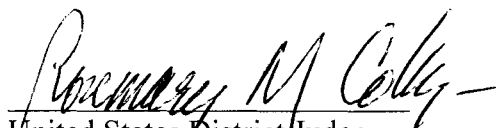
MEMORANDUM OPINION

Plaintiff, proceeding *pro se*, has submitted a Complaint and an application to proceed *in forma pauperis*. The Court will grant the application and will dismiss this case 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 is a North Carolina state prisoner incarcerated in Maury, North Carolina. In a single paragraph, plaintiff alleges that the defendants “in conspiracy failed to liberally construe the plaintiff’s *pro se* section 1983 complaint as a colorable *pro-se* 2255 petition challenging sentence enhancement by unlawfully assembled criminal statute, N.C.G.S. 14-7.1.” Plaintiff names as defendants the United States, the State of North Carolina, the Governor of North Carolina, and Senior U.S. District Judge James C. Fox in Raleigh, North Carolina. The complaint appears to arise from court proceedings in the Eastern District of North Carolina. This Court can neither review the decisions of its sister court nor compel it to act. *See United States v. Choi*, 818 F. Supp. 2d 79, 85 (D.D.C. 2011) (district courts “generally lack[] appellate jurisdiction over other judicial bodies, and cannot exercise appellate mandamus over other

courts.”) (citing *Lewis v. Green*, 629 F. Supp. 546, 553 (D.D.C.1986)); *Fleming v. United States*, 847 F. Supp. 170, 172 (D.D.C. 1994), *cert. denied* 513 U.S. 1150 (1995) (“By filing a complaint in this Court against federal judges who have done nothing more than their duty . . . Fleming has instituted a meritless action.”) (applying *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415, 416 (1923)). Hence, this case will be dismissed. A separate Order accompanies this Memorandum Opinion.

DATE: July 15, 2015


United States District Judge