

**FILED**

**SEP - 4 2015**

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

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Chase Carmen Hunter,	)	
	)	
Plaintiff,	)	Case: 1:15-cv-01456
	)	Assigned To : Unassigned
v.	)	Assign. Date : 9/4/2015
	)	Description: Pro Se Gen. Civil (F)
Scott Harris,	)	
	)	
Defendant.	)	

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 resident of Walnut California, has brought a declaratory judgment action against the Clerk of the Supreme Court for failing to accept her petitions. The Declaratory Judgment Act authorizes the court to "declare the rights . . . of any interested party" but only "[i]n a case of actual controversy within its jurisdiction[.]" 28 U.S.C. § 2201(a). "A 'controversy' in this sense must be one that is appropriate for judicial determination." *Aetna Life Ins. Co. of Hartford, Conn. v. Haworth*, 300 U.S. 227, 240 (1937). "[I]t seems axiomatic that a lower court may not order the judges or officers of a higher court to take an action." *Panko v. Rodak*, 606 F.2d 168, 171 n.6 (7th Cir. 1979), *cert. denied*, 444 U.S. 1081 (1980); *accord In re*

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*Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992). Consequently, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: September 2<sup>nd</sup>, 2015

  
United States District Judge