

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

William H. Evans, Jr.,)	
)	
Plaintiff,)	Case: 1:15-cv-01667 Jury Demand
)	Assigned To : Unassigned
v.)	Assign. Date : 10/14/2015
)	Description: Pro Se Gen. Civil (F Deck)
Scott S. Harris,)	
)	
Defendant.)	

MEMORANDUM OPINION

Plaintiff, proceeding *pro se*, has submitted a complaint and an application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A, which requires the Court to screen and dismiss a prisoner’s complaint upon a determination that it fails to state a claim upon which relief may be granted or seeks monetary relief from an immune defendant. *See id.* § 1915A(b).

Plaintiff is an Ohio state prisoner incarcerated in Chillicothe, Ohio. He sues the Clerk of the Supreme Court for failing to accept his petitions for certiorari in noncriminal matters without his payment of the docketing fee. *See* Compl. Ex. A. Plaintiff seeks to compel the Clerk to accept his petitions and \$25,000 in money damages. Compl. at 3.

“[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). *See In re Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992) (“We are aware of no authority for the proposition that a lower court may compel the Clerk of the Supreme Court to take any action.”). In addition, the Supreme Court Clerk, like the Justices, enjoys absolute immunity from a lawsuit for damages based on acts, such as those alleged here, taken during the

performance of his official duties. *Sindram v. Suda*, 986 F.2d 1459, 1460 (D.C. Cir. 1993) (per curiam). Hence this case will be dismissed for failure to state a claim upon which relief can be granted. A separate Order accompanies this Memorandum Opinion.



Date: October ____, 2015


United States District Judge