

FILED

FEB - 2 2016

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Ya'shua Amen Shekhem El Bey,

Petitioner,

v.

United States of America *et al.*,

Respondents.

Case: 1:16-cv-00164

Assigned To : Unassigned

Assign. Date : 2/2/2016

Description: Pro Se Gen. Civil

MEMORANDUM OPINION

Petitioner, proceeding *pro se*, has submitted a “Declaratory Judgment 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).

Petitioner is a New York state resident seeking a declaration that an order issued by a United States District Judge in the Southern District of New York violates his First Amendment rights. According to the petitioner, the order enjoins his filing of lawsuits without leave of court. *See* Compl. ¶ 47.

A court may declare rights only “[i]n a case of actual controversy within its jurisdiction.” 28 U.S.C. § 2201. This Court lacks jurisdiction to review the decisions of its sister courts. *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) (noting that “[b]y 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 with prejudice. A separate Order accompanies this Memorandum Opinion.

DATE: Jun. 28, 2016

Bryant A. Marshall
United States District Judge