

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Marlon L. Watford,	)		
	)		
Plaintiff,	)	Case: 1:17-cv-00897	(F-Deck)
	)	Assigned To : Unassigned	
v.	)	Assign. Date : 5/12/2017	
	)	Description: Pro Se Gen. Civil	
Erik Fossum <i>et al.</i> ,	)		
	)		
Defendants.	)		

MEMORANDUM OPINION

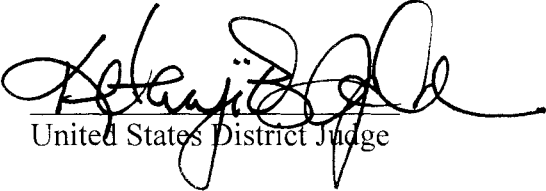
This action is before the court on its initial review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The court will grant the application and dismiss the complaint for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring dismissal of an action "at any time" the court determines that it lacks subject matter jurisdiction).

Plaintiff has sued the Clerk of the United States Supreme Court and one of his employees for monetary damages and injunctive relief. Plaintiff alleges that in June of 2015, defendants refused to file certain documents that he had submitted in further support of his petition for a writ of certiorari. Compl. at 3. He contends that defendants' actions deprived him "of his U.S. Supreme Court Rule 44 paper documented right to file a petition for rehearing and his entitlement and right to 25 material world days to prepare and file said petition[.]" *Id.* at 8.

The Supreme Court "has inherent [and exclusive] supervisory authority over its Clerk." *In re Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992) (per curiam). Therefore, "a lower court may [not] compel the Clerk of the Supreme Court to take any action." *Id.*; *see Panko v. Rodak*, 606 F.2d 168, 171 n.6 (7th Cir. 1979), *cert. denied*, 444 U.S. 1081 (1980) ("It seems axiomatic that a lower court may not order the judges or officers of a higher court to take an action."). In

addition, the Supreme Court Clerk and his staff enjoy absolute immunity from a lawsuit based on actions, such as alleged here, that fall within the scope of their official duties. *Sindram v. Suda*, 986 F.2d 1459, 1460 (D.C. Cir. 1993). Hence, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: May 10, 2017



United States District Judge