

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 16 2018

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

Robert Heard,

Plaintiff,

v.

John Roberts *et al.*,

Defendants.

Civil Action No. 18-851 (UNA)

MEMORANDUM OPINION

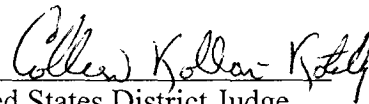
This matter is before the Court on its initial review of plaintiff's *pro se* complaint and application for leave to proceed *in forma pauperis*. The application will be granted and the case will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B), which requires the Court to dismiss a complaint upon determining that it, among other enumerated grounds, is frivolous.

Plaintiff, a resident of Gainesville, Georgia, has sued the nine Justices of the U.S. Supreme Court. He “would like to make the averment [that] the defendants are not only the cause of [his] overall situation . . . but as well America.” Compl. at 1. Plaintiff specifically takes issue with “these defendants in the DACA youth case.” *Id.*

“An *in forma pauperis* complaint is properly dismissed as frivolous . . . if it is clear from the face of the pleading that the named defendant is absolutely immune from suit on the claims asserted.” *Crisafi v. Holland* 655 F.2d 1305, 1308 (D.C. Cir. 1981). Judges enjoy absolute immunity from suits based on acts taken in their judicial capacity, so long as they have jurisdiction over the subject matter. *Moore v. Burger*, 655 F.2d 1265, 1266 (D.C. Cir. 1981) (per curiam) (citing cases). Consequently, a complaint, such as here, against a judge who has “done nothing more than [her or his] duty” is “a meritless action.” *Fleming v. United States*, 847 F.

Supp. 170, 172 (D.D.C. 1994), *cert. denied* 513 U.S. 1150 (1995). Apart from that finding, it is “axiomatic that a lower court may not order the judges or officers of a higher court to take an action,” let alone the justices of the highest court. *Panko v. Rodak*, 606 F.2d 168, 171 n.6 (7th Cir. 1979), *cert. denied*, 444 U.S. 1081 (1980); *accord In re Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992). Accordingly, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: May ¹¹16, 2018


United States District Judge