

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

FEB 07 2019

John P. Fletcher,

Plaintiff,

v.

Scott Harris,

Defendant.

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

Civil Action No. 19-169 (UNA)

MEMORANDUM OPINION

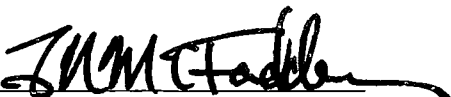
This matter, brought *pro se*, is before the Court on review of the complaint and plaintiff's application for leave to proceed *in forma pauperis* (IFP). The IFP application will be granted and this case will be dismissed for the reasons explained next.

Pursuant to 28 U.S.C. § 1915A, a district court must immediately dismiss a prisoner's complaint upon determining that it fails to state a claim upon which relief can be granted. Plaintiff is a Colorado state prisoner who has sued the Clerk of the United States Supreme Court for alleged actions taken in response to his petition for a writ of certiorari. Plaintiff seeks equitable relief and monetary damages. *See* Compl. at 13.

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 Clerk's office staff enjoy absolute immunity from a lawsuit for money damages based upon decisions falling within the scope of their official

duties,” as is alleged in this case. *Miller v. Harris*, 599 Fed. App’x 1 (D.C. Cir. 2015) (per curiam) (citing *Sindram v. Suda*, 986 F.2d 1459 (D.C. Cir. 1993) (per curiam)). Therefore, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: February 7, 2019


United States District Judge