

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Michael K. Ciacchi,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 20-cv-504 (UNA)
)	
)	
Superior Court for the District of Columbia,)	
)	
Defendant.)	

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 Court will grant the application and dismiss the complaint for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action “at any time” it determines that subject matter jurisdiction is wanting).

“Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute,” and it is “presumed that a cause lies outside this limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (citations omitted). A party seeking relief in the district court must at least plead facts that bring the suit within the court’s jurisdiction. *See* Fed. R. Civ. P. 8(a). Failure to plead such facts warrants dismissal of the action.

Plaintiff is a resident of Waialua, Hawaii. He seeks “to compel” the Superior Court of the District of Columbia “to answer” his pending Motion to Vacate, Set Aside or Correct Sentence and Judgment under D.C. Code § 23-110. Plaintiff alleges that the motion has been pending in Superior Court since October 9, 2019. This federal district court is not a reviewing

court, and it cannot order the Superior Court to take any action. *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)); accord *Atchison v. U.S. Dist. Courts*, 240 F. Supp. 3d 121, 126 n.6 (D.D.C. 2017) (“It is a well-established principle that a district court can neither review the decisions of its sister court nor compel it to act.”). Consequently, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: March 30, 2020

TREVOR N. McFADDEN, U.S.D.J.