

**FILED**

**JAN 14 2009**

**Clerk, U.S. District and  
Bankruptcy Courts**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Eric Adams, )  
)  
Petitioner, )  
)  
v. )  
)  
John Paul Stevens *et al.*, )  
)  
Respondents. )

Civil Action No. **09 0080**

MEMORANDUM OPINION

This matter is before the Court on petitioners’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.<sup>1</sup>

Petitioner is a prisoner at the United States Penitentiary in Florence, Colorado. He petitions for a writ of *habeas corpus* against Justice John Paul Stevens based on alleged actions taken by the Clerk of the Supreme Court. This Court lacks subject matter jurisdiction to review the decisions of the Supreme Court. *In re Marin*, 956 F.2d 339 (D.C. Cir. 1992); *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."). Besides, a habeas petition is properly brought against one’s immediate custodian in the judicial district of the custodian. *Stokes v. U.S. Parole Commission*, 374 F.3d 1235, 1239 (D.C. Cir. 2004); accord *Rooney v. Secretary of Army*, 405 F.3d 1029, 1032 (D.C. Cir. 2005) (“jurisdiction is proper only in the district in which the immediate, not the ultimate, custodian is

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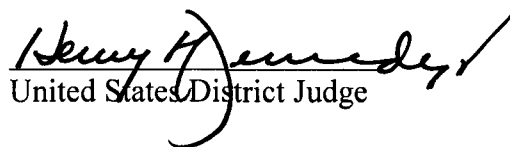
<sup>1</sup> “If the court determines at any time that it lacks subject-matter jurisdiction, [it] must dismiss the action.” Fed. R. Civ. P. 12(h)(3).

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located") (internal citations and quotation marks omitted). Accordingly, this case is dismissed.

A separate Order accompanies this Memorandum Opinion.

  
United States District Judge

Date: December 23, 2008