

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FILED

JUN - 7 2012

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

MARIUS W. AUGUSTE, Plaintiff, v. SUPERIOR COURT OF THE DISTRICT OF COLUMBIA, Defendant.

Civil Action No.

12 0925

MEMORANDUM OPINION

The plaintiff has filed an application to proceed in forma pauperis and a pro se complaint. The application will be granted, and the complaint will be dismissed.

Plaintiff alleges that, on January 31, 2007, he filed in the Superior Court of the District of Columbia a post-conviction motion for correction of sentence. To date, he states, the Superior Court has not yet ruled on the motion. He asks this Court to issue a writ of mandamus compelling the Superior Court to rule on the pending post-conviction motion. This Court has no such jurisdiction, and declines to intervene in a matter pending before the Superior Court. See, e.g., Mooreman v. U.S. Bank, N.A., No. 10-1219, 2010 WL 2884661, at *1 (D.D.C. July 10, 2010); Fleming v. United States, 847 F. Supp. 170, 172 (D.D.C. 1994), aff'd, 1994 WL 474995 (D.C. Cir. 1994), cert. denied, 513 U.S. 1150 (1995).

Accordingly, the Court will dismiss this action for lack of subject matter jurisdiction. An Order consistent with this Memorandum Opinion is issued separately.

DATE: 5/31/12

[Signature] United States District Judge

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