

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
DEC 11 2012
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

James D. Schneller,)
)
Plaintiff,)
)
v.)
)
Clerk of the Supreme Court of the)
United States,)
)
Defendant.)

Civil Action No. **12 1979**

MEMORANDUM OPINION

This action for a writ of mandamus is before the Court on plaintiff'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. *See* Fed. R. Civ. P. 12(h)(3) (requiring dismissal of an action "at any time" the Court determines that it lacks subject matter jurisdiction).

Plaintiff is a resident of St. Davids, Pennsylvania, seeking an order to compel the Clerk of the U.S. Supreme Court to docket his petition for a writ of certiorari. This Court lacks subject matter jurisdiction to review the decisions of the Supreme Court or its Clerk. *In re Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992); *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."). A separate Order of dismissal accompanies this Memorandum Opinion.


United States District Judge

Date: November 28th, 2012

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