

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

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BRUCE COMMITTE,	:	CASE NO. 1:17 CV 1518
	:	
Plaintiff,	:	
	:	
vs.	:	OPINION & ORDER
	:	
SCOTT S. HARRIS, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Bruce E. Committe, acting *pro se*, has filed an *in forma pauperis* complaint against the United States Supreme Court, United States Supreme Court Clerk Scott S. Harris, and another Supreme Court employee pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). (Doc. No. 1.) The basis for his action is that defendants refused to accept “a general petition” he filed with the Supreme Court complaining about the “protocol” of the Ninth Circuit Court of Appeals “of deciding cases based on their form rather than on the basis of the substance of the case.” (*Id.* at ¶ 3.) The plaintiff contends this violates his right under the First Amendment to petition the government. He seeks damages and an order declaring a Supreme Court rule allowing the Clerk to reject improperly filed documents unconstitutional.

Federal district courts are expressly required, under 28 U.S.C. §1915(e)(2)(B), to screen all *in forma pauperis* actions, and to dismiss before service any such action that the court determines is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from defendant who is immune from such relief. *See Hill v. Lappin*, 630

F.3d 468, 470-71 (6th Cir. 2010).

This action must be summarily dismissed.

The plaintiff's complaint does not does not set forth a claim that is arguably plausible under the First Amendment's Petition Clause. *See, e.g., Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999) (holding the plaintiff's claims against government officials, alleging that they violated his First Amendment right to petition government because they did not answer his letters or take action he requested, not arguably plausible and subject to *sua sponte* dismissal).

Moreover, none of the defendants may be sued for the relief the plaintiff seeks under *Bivens*. *See, e.g., Sibley v. U.S. Supreme Court*, 786 F. Supp. 2d 338 (D.D.C. 2011) (dismissing action for declaratory relief and damages against the United States Supreme Court and its Deputy Clerk, among others).

Conclusion

Accordingly, the plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is granted, and this action is summarily dismissed pursuant to 28 U.S.C. §1915(e)(2)(B). The Court certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: August 7, 2017

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE