

FILED

FEB 20 2009

NANCY RAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURTUNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Shaaban Shaaban Hafed, )  
Plaintiff, )  
v. ) Civil Action No.  
United States Supreme Court et al., )  
Defendants. )

09 0327

## MEMORANDUM OPINION

This matter 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.<sup>1</sup>

Plaintiff is a prisoner at the United States Penitentiary in Florence, Colorado, suing the United States Supreme Court and Chief Justice John G. Roberts, Jr., for the alleged denial of his petition for a writ of certiorari. He seeks injunctive relief and \$1 in "punitive" damages. Compl. at 14. 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). "It seems axiomatic that a lower court may not order the judges or officers of a higher court to take an action." *Panko v. Rodak*, 606 F.2d 168, 171 n.6 (7th Cir. 1979), *cert. denied*, 444 U.S. 1081 (1980). Accordingly, the complaint is dismissed. A separate Order accompanies this Memorandum Opinion.

  
United States District Judge

Date: February 6, 2009

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