

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

NOV - 6 2009

Clerk, U.S. District and
Bankruptcy Courts

Eduard Lorenz,)
)
 Plaintiff,)
)
 v.)
)
 William K. Suter, Clerk,)
 Supreme Court of the United States,)
)
 Defendant.)

Civil Action No.

09 2094

MEMORANDUM OPINION

This matter is before the court on the plaintiff's pro se complaint and application to proceed in forma pauperis. The application to proceed in forma pauperis will be granted and the complaint will be dismissed for lack of subject matter jurisdiction.

The plaintiff is a prisoner incarcerated at the Deerfield Correctional Center ("DCC") in Capron, Virginia, part of the Virginia Department of Corrections. The complaint alleges that the plaintiff mailed for filing in the Supreme Court of the United States a petition seeking a writ of certiorari, but when the plaintiff made inquiries, the defendant informed the plaintiff that the Clerk had no record of his filing. *See* Complaint at 3. Concluding that the Clerk had "maliciously . . . destroyed" plaintiff's filing, the complaint seeks an order from this court directing the Clerk of the Supreme Court of the United States to "reinstate" plaintiff's appeal. *Id.* at 5. The complaint also seeks an order from this court directing personnel at DCC to provide him with a photocopy of the papers he seeks to file with the Supreme Court. *Id.* at 5-6.

This court does not supervise the Clerk of the United States Supreme Court, and does not have jurisdiction to order injunctive relief with respect to his actions taken in the performance of

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his official duties. *See In re Marin*, 956 F.2d 339 (D.C. Cir. 1992) (*per curiam*).¹ This court also does not have jurisdiction over the personnel at the plaintiff's place of incarceration, and has no authority to order them to provide the injunctive relief he requests. Accordingly, the complaint will be dismissed for lack of jurisdiction.

A separate order accompanies this memorandum opinion.

Date: 10/29/09


United States District Judge

¹ Additionally, the Clerk of the United States Supreme Court is immune from a damages suit for the performance of his job. *See Sindram v. Suda*, 986 F.2d 339 (D.C. Cir. 1992) (*per curiam*) (holding that “clerks, like judges, are immune from damage suits for performance of tasks that are an integral part of the judicial process”).