



seeking relief from his conviction or sentence may not bring [ ] an action” for injunctive and declaratory relief) (citations omitted).

This Court also lacks jurisdiction to the extent that plaintiff is seeking review of the decisions of the U.S. Supreme Court and the state and federal courts in Virginia ( Compl. at 2, 4-17). See *In re Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992); accord *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.”). See also *United States v. Choi*, 818 F. Supp. 2d 79, 85 (D.D.C. 2011) (district courts “generally lack[] appellate jurisdiction over other judicial bodies, and cannot exercise appellate mandamus over other courts.”) (citing *Lewis v. Green*, 629 F. Supp. 546, 553 (D.D.C.1986)); *Fleming v. United States*, 847 F. Supp. 170, 172 (D.D.C. 1994), *cert. denied* 513 U.S. 1150 (1995) (applying *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415, 416 (1923)).

Finally, plaintiff sues both Virginia’s Governor and Attorney General in their official capacities, see Compl. Caption, which “in all respects other than name, [is] to be treated as a suit against the entity [state of Virginia].” *Kentucky v. Graham*, 473 U.S. 159, 166 (1985). The Eleventh Amendment to the U.S. Constitution immunizes a state from suit in federal court, unless immunity is waived.<sup>1</sup> Plaintiff has not cited any authority waiving Virginia’s immunity.

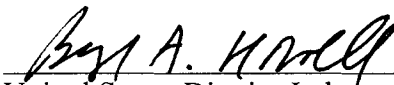
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<sup>1</sup> The amendment provides in pertinent part: “[t]he judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State.” U.S. Const. amend. XI. It is long established that this amendment applies equally to suits brought by citizens against their own states. See *Edelman v. Jordan*, 415 U.S. 651, 662-63 (1974); *Hans v. Louisiana*, 134 U.S. 1, 13-15 (1890).

Similarly, plaintiff sues Attorney General Loretta Lynch in her official capacity but has cited no federal authority waiving sovereign immunity. *See Lane v. Pena*, 518 U.S. 187, 192 (1996) (the United States may be sued only upon consent “unequivocally expressed in statutory text”).

For the foregoing reasons, this case will be dismissed. A separate Order accompanies this Memorandum Opinion.

DATE: August 6<sup>th</sup>, 2015

  
United States District Judge