

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

OCT 08 2019

Clerk, U.S. District and
Bankruptcy Courts

ILYA LIVIZ, SR.,)
)
 Plaintiff,)
)
 v.)
)
 JOHN G. ROBERTS, Chief Judge,)
 Supreme Court of the United States,)
)
 Defendant.)

Civil Action No. 19-2759 (UNA)

MEMORANDUM OPINION

This matter is before the Court on the plaintiff’s application to proceed *in forma pauperis* and his *pro se* complaint.

Custody of the plaintiff’s son was determined in a Massachusetts court. Compl. ¶ 205. On the belief that “he was not being treated fairly,” the plaintiff “requested that he be judged by a jury of his peers.” *Id.* His request for a jury trial was denied, *id.* ¶ 207, as was the plaintiff’s effort to have the court “answer the question of law,” *id.* ¶ 212, about whether he was entitled to a jury trial, *see id.* ¶¶ 211-212. The plaintiff was no more successful in the federal courts. *See id.* ¶¶ 219-224. The plaintiff has brought this action against the Chief Justice of the Supreme Court of the United States demanding a declaratory judgment, *see id.* ¶¶ 243-249, and injunctive relief enjoining the Chief Justice, among others, “from interfering with [his] right to a jury trial,” *id.* ¶ 250, and “from interfering with [his] right to petition the Government for redress on the question of law concerning the right to a jury trial in care and protection proceedings,” *id.* ¶ 251.

This federal district court has no authority to compel the Supreme Court, its Justices, or staff to act. *See Panko v. Kodak*, 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.”). Accordingly, the Court dismisses the plaintiff’s complaint and this civil action for lack of subject matter jurisdiction. *See Smith v. Supreme Court of the United States*, No. 08-5171, 2008 WL 5532101, at *1 (D.C. Cir. Oct. 10, 2008) (per curiam) (“The district court properly dismissed the complaint because lower courts lack jurisdiction to review decisions of the United States Supreme Court or to compel Supreme Court clerks to take any action.”); *In re Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992) (per curiam) (affirming district court’s *sua sponte* dismissal of complaint on the ground “that it lacked subject matter jurisdiction to review any decision of the Supreme Court or its Clerk”). The plaintiff’s application to proceed *in forma pauperis* will be granted, and his two remaining motions will be denied.

An Order consistent is issued separately.

DATE: October 7, 2019


CHRISTOPHER R. COOPER
United States District Judge