

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08-5411

September Term 2008

1:08-cv-01526-UNA

Filed On: December 29, 2008

Gene E. Smith, Sr.,

Appellant

v.

William K. Suter, Individual, et al.,

Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BEFORE: Henderson, Brown, and Kavanaugh, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by the appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order, filed August 29, 2008, be affirmed. Appellant's complaint in No. 08cv0737 was dismissed because lower courts lack jurisdiction to review decisions of the Supreme Court or to compel Supreme Court clerks to take any action. See Smith v. Supreme Court, No. 08cv0737 (D.D.C. Apr. 29, 2008), aff'd No. 08-5171 (D.C. Cir. Oct. 10, 2008). Because appellant's complaint in this case presents the same jurisdictional issue, he is precluded from asserting that the district court has jurisdiction to grant the relief he requests. See GAF Corp. v. United States, 818 F.2d 901, 912 (D.C. Cir. 1987) ("The judgment ordering dismissal will. . . have preclusive effect as to matters actually adjudicated; it will, for example, preclude relitigation of the precise issue of jurisdiction that led to the initial dismissal.").

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution

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of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam