

Appendix Section

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-5168

September Term, 2017

1:17-cv-00897-UNA

Filed On: April 12, 2018

Marlon L. Watford,

Appellant

v.

Erik Fossum and Scott S. Harris,

Appellees

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

BEFORE: Griffith and Kavanaugh, Circuit Judges, and Ginsburg,
Senior Circuit Judge

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 appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing and the motion for appointment of counsel, it is

ORDERED that the motion to appoint counsel be denied. In civil cases, appellants are not entitled to appointment of counsel when they have not demonstrated sufficient likelihood of success on the merits. It is

FURTHER ORDERED AND ADJUDGED that the district court's May 12, 2017 order be affirmed. The district court correctly held that appellant's damages claims against the Clerk of the Supreme Court and one of his employees are barred by judicial immunity. See Sindram v. Suda, 986 F.2d 1459, 1460-61 (D.C. Cir. 1993) (per curiam). With respect to appellant's claim for injunctive relief against the Clerk, his staff, or alternatively the Justices, the district court also properly concluded that it lacked authority to compel them to accept appellant's submissions or to take any other action. See In re Marin, 956 F.2d 339, 340 (D.C. Cir. 1992) (per curiam).

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Appendix
A

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No. 17-5168

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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 of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

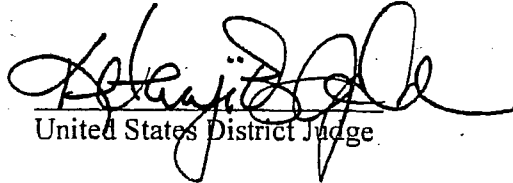
Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Scott H. Atchue
Deputy Clerk

addition, the Supreme Court Clerk and his staff enjoy absolute immunity from a lawsuit based on actions, such as alleged here, that fall within the scope of their official duties. *Sindram v. Suda*, 986 F.2d 1459, 1460 (D.C. Cir. 1993). Hence, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: May 10, 2017


United States District Judge

Appendix

B

(2 of 2)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Marlon L. Watford,

Plaintiff,

v.

Erik Fossum *et al.*,

Defendants.

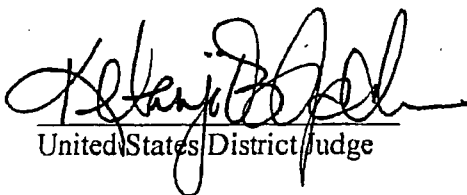
)
)
) Case: 1:17-cv-00897 (F Deck)
) Assigned To : Unassigned
) Assign. Date : 5/12/2017
) Description: Pro Se Gen. Civil
)
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ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is

ORDERED that the application to proceed *in forma pauperis* [Dkt. # 2] is GRANTED,
and this case is DISMISSED without prejudice.

This is a final appealable Order.


United States District Judge

Date: May 10, 2017

Appendix

E

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**Additional material
from this filing is
available in the
Clerk's Office.**