

APPENDIX

APPENDIX A
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5001 September Term, 2018
1:17-cv-02320-CKK
MICHAEL S. BENT, Filed On:
Appellant, **October 10, 2018**
v. [17544381]
Pamela Talkin,
In her official capacity as
Marshal of the Supreme Court
of the United States and
JEFFREY SMITH,
In his official capacity as Chief
of Police of the Supreme Court
of the United States
Appellees.

MANDATE

In accordance with the order of August 14, 2018,
and pursuant to Federal Rule of Appellate Procedure
41, this constitutes the formal mandate of this court.

FOR THE COURT:
Mark J. Langer, Clerk
BY: /s/
Ken R. Meadows
Deputy Clerk

[Link to the order filed August 14, 2018](#)

APPENDIX B

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5001

September Term, 2017
1:17-cv-02320-CKK

MICHAEL S. BENT,

Filed On:

Appellant, August 14, 2018

v.

Pamela Talkin,
In her official capacity as
Marshal of the Supreme Court
of the United States and
JEFFREY SMITH,
In his official capacity as Chief
of Police of the Supreme Court
of the United States

Appellees.

BEFORE: Srinivasan, Millett, and Pillard, Circuit Judges

ORDER

Upon consideration of the motion for summary
affirmance, the response thereto, and the reply, it is

ORDERED that the motion for summary
affirmance be granted. The merits of the parties'
positions are so clear as to warrant summary action.
See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d
294, 297 (D.C. Cir. 1987) (per curiam). Appellant's
complaint challenges the United States Supreme
Court's guidance governing delivery of documents to the
Supreme Court Clerk's Office. Because the challenged
guidance and requested declaratory and injunctive relief
relate to the Supreme Court's filing practices, the district
court properly concluded that it lacked authority to enjoin

or to order personnel in the Supreme Court Clerk's Office or Supreme Court police officers to take specific action. See In re Marin, 956 F.2d 339, 340 (D.C. Cir. 1992) (per curiam). The district court also did not abuse its discretion when it denied appellant's application for preliminary injunctive relief. See Chaplaincy of Full Gospel Churches v. England, 454 F.3d 290, 297 (D.C. Cir. 2006). The district court properly determined that appellant's speculative assertion that his filings would be tampered with did not demonstrate irreparable injury. See id.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

APPENDIX C

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MICHAEL S. BENT,

Plaintiff,

Civil Action No.

v.

17-2320 (CKK)

PAMELA TALKIN, et al.,

Defendants.

ORDER

(November 30, 2017)

For the reasons set forth in the accompanying Memorandum Opinion, it is, this 30th day of November, 2017, hereby

ORDERED that Plaintiff's [7] Application for Temporary Restraining Order and Preliminary Injunction is **DENIED**. It is further

ORDERED that this case is **DISMISSED**.

SO ORDERED.

This is a final, appealable order.

/s/

COLLEEN KOLLAR-KOTELLY
United States District Judge

APPENDIX D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHAEL S. BENT,

Plaintiff, Civil Action No.
v. 17-2320 (CKK)

PAMELA TALKIN, *et al.*,
Defendants

MEMORANDUM OPINION

(November 30, 2017)

The Plaintiff in this case is currently petitioning the United States Supreme Court for a Writ of Certiorari in a separate matter. He has brought this lawsuit, *pro se*, to challenge the method by which the Supreme Court has required him to deliver his petition. Before the Court is Plaintiff's [7] Application for Temporary Restraining Order and Preliminary Injunction. Upon consideration of the pleadings,¹¹ the relevant legal authorities, and the record as a whole, the Court will DENY Plaintiff's Application. The Court will also DISMISS this case for lack of jurisdiction.

I. BACKGROUND

11 The Court's consideration has focused on the following documents: • Pl.'s App. for Temporary Restraining Order and Preliminary Injunction ("Pl.'s App."), ECF No. 7; • Defs.' Opp'n to Pl.'s App. for Temporary Restraining Order and Preliminary Injunction ("Defs.' Opp'n"), ECF No. 9; and • Pl.'s Reply to Defs.' Opp'n to Pl.'s App. for Temporary Restraining Order and Preliminary Injunction, ECF No. 10 ("Pl.'s Reply").

In an exercise of its discretion, the Court finds that holding oral argument in this action would not be of assistance in rendering a decision. See LCvR 7(f).

In a separate proceeding, Plaintiff has filed suit challenging the constitutionality of a federal program related to child support payments. The details of that lawsuit are not relevant to the Application before this Court. What is relevant, however, is that Plaintiff's claims in that lawsuit were dismissed, and he has allegedly filed a petition to the Supreme Court asking them to review that dismissal.

The case before this Court is about Plaintiff's struggles to ensure that an authentic copy of his petition makes its way to the Supreme Court in his other lawsuit. Plaintiff alleges that he first sent his petition through the United States Postal Service to the Clerk of the Supreme Court, but that the petition was "intercepted by Supreme Court police" and "sent to off-site inspection." Compl., ECF No. 1, at ¶ 17. Plaintiff alleges that "[a]fter four weeks of unexpected delay, the accompanying filing payment and certificates were reported missing." *Id.*

Plaintiff claims that he then arranged for the hand-delivery of his petition. *Id.* ¶ 18. His courier was allegedly informed that he was required by rule to leave the petition with police officers in a police booth outside of the Supreme Court building. *Id.* ¶ 21. The courier did so. *Id.* ¶ 22. Plaintiff was subsequently advised that the documents the courier had delivered had been—once again—sent off-site for inspection for safety purposes. *Id.* ¶ 23. The petition was later returned to the Supreme Court and docketed, but Plaintiff is concerned that the documents that were docketed may have been "tampered with" and may not be "authentic." *Id.* ¶ 25.

The focus of Plaintiff's complaint is a rule that he alleges requires his petition be left at the police booth

outside of the Supreme Court instead of directly with the Clerk of the Supreme Court. The rule Plaintiff challenges ("the Rule") states that:

Briefs that are delivered to the police booth at the North Drive of the Supreme Court building before 2:00 p.m. on a day that the Court is open for business will be delivered to the Clerk's Office that same day, provided that they are submitted in an open container. To be considered an "open container," the package containing the briefs may not be sealed or taped shut, and no envelopes or other containers within or attached to the package may be sealed or taped shut. Parties to merits cases are strongly encouraged to have briefs hand-delivered to the police booth at the North Drive of the Supreme Court building, rather than having those briefs delivered by U.S. mail or commercial carrier. *Id.* ¶ 3.

Plaintiff alleges that there is no authority for the Rule, and that in fact the Rule contravenes other Supreme Court rules and regulations. *Id.* ¶¶ 30-40. Plaintiff also claims that the Rule violates his rights under the Fourth and Fifth Amendments to the United States Constitution.

After filing his lawsuit, Plaintiff filed the pending Application for Temporary Restraining Order and Preliminary Injunction. Plaintiff asks the Court to enjoin Defendants, the Marshal of the Supreme Court and the Chief of Police of the Supreme Court, from enforcing the Rule. Plaintiff requested that his Application be resolved by December 1, 2017. Plaintiff's petition has already

been denied by the Supreme Court, and December 1, 2017 is Plaintiff's deadline to file a petition for rehearing.

II. LEGAL STANDARD

"A preliminary injunction is 'an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.' *Sherley v. Sebelius*, 644 F.3d 388, 392 (D.C. Cir. 2011) (quoting *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008)); see also *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) ("[A] preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, *by a clear showing*, carries the burden of persuasion." (emphasis in original; quotation marks omitted)). "A plaintiff seeking a preliminary injunction must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest." *Aamer v. Obama*, 742 F.3d 1023, 1038 (D.C. Cir. 2014) (quoting *Sherley*, 644 F.3d at 392 (quoting *Winter*, 555 U.S. at 20) (alteration in original; quotation marks omitted)). "When seeking a preliminary injunction, the movant has the burden to show that all four factors, taken together, weigh in favor of the injunction." *Abdullah v. Obama*, 753 F.3d 193, 197 (D.C. Cir. 2014) (quoting *Davis v. Pension Benefit Guar. Corp.*, 571 F.3d 1288, 1292 (D.C. Cir. 2009)). "The four factors have typically been evaluated on a 'sliding scale.'" *Davis*, 571 F.3d at 1291 (citation omitted). Under this sliding-scale framework, "[i]f the movant makes an unusually strong showing on one of the factors, then it does not necessarily have to

make as strong a showing on another factor.” *Id.* at 1291-92.

The Court notes that it is not clear whether this Circuit’s sliding-scale approach to assessing the four preliminary injunction factors survives the Supreme Court’s decision in Winter. See *Save Jobs USA v. U.S. Dep’t of Homeland Sec.*, 105 F. Supp. 3d 108, 112 (D.D.C. 2015). Several judges on the United States Court of Appeals for the D.C. Circuit have “read Winter at least to suggest if not to hold ‘that a likelihood of success is an independent, freestanding requirement for a preliminary injunction.’” *Sherley*, 644 F.3d at 393 (quoting *Davis*, 571 F.3d at 1296 (concurring opinion)). However, the Court of Appeals has yet to hold definitively that Winter has displaced the sliding-scale analysis. See *id.*; see also *Save Jobs USA*, 105 F. Supp. 3d at 112. In any event, this Court need not resolve the viability of the sliding-scale approach today as the Court determines that “a preliminary injunction is not appropriate even under the less demanding sliding-scale analysis.” *Sherley*, 644 F.3d at 393.

III. DISCUSSION

The Court will deny Plaintiff's Application for preliminary injunctive relief because all four of the traditional factors that the Court considers when assessing such a motion weigh heavily against entering an injunction. Moreover, the Court must dismiss this case in its entirety because it is clear that it lacks jurisdiction.

A. Plaintiff Fails to Establish a Likelihood of Success on the Merits

The most fundamental reason that Plaintiff's Application for preliminary injunctive relief will be denied is that he has not established a likelihood of success on the merits of his claims. At its core, Plaintiff's lawsuit effectively asks this Court to decide that the Supreme Court—or certain components thereof, e.g., the Clerk, Marshall or Chief of Police—is wrong to require Plaintiff's petition be filed a certain way, and to dictate how that Court's Clerk must accept filings in the future. This lawsuit is quite unlikely to succeed—and indeed will be dismissed—for the threshold reason that district courts may not “compel the Clerk of the Supreme Court to take any action.” *In re Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992). The Supreme Court itself has exclusive inherent supervisory authority over its own Clerk and, for that reason, district courts lack jurisdiction over cases challenging the filing practices of the Supreme Court. See *id.* (affirming dismissal of case in which plaintiff “claim[ed] the Clerk erroneously rejected certain of his filings”); *Gillenwater v. Harris*, No. CV 16-CV-495 (TSC), 2016 WL 8285811, at *1 (D.D.C. Apr. 12, 2016), *aff'd*, No. 16-5107, 2016 WL 6915556 (D.C. Cir. Oct. 5, 2016), *cert. denied*, 137 S. Ct. 1346, 197 L. Ed. 2d 521

(2017) (dismissing case for lack of jurisdiction where plaintiff sought “a declaratory judgement that a statute and rule governing filings in the Supreme Court [were] unconstitutional”); *Miller v. Harris*, No. CV 14-1330, 2014 WL 3883280, at *1 (D.D.C. Aug. 5, 2014), *aff’d*, 599 F. App’x 1 (D.C. Cir. 2015) (dismissing case where plaintiff “sue[d] the Clerk of the United States Supreme Court and other employees of that office for returning his petition for writ of habeas corpus” because the court lacked “jurisdiction to review the decisions of the United States Supreme Court, including those of its Clerk of Court.”).

In Plaintiff’s Reply, he responds to this argument by claiming that the Court does have jurisdiction over this case because the Rule at issue is allegedly in conflict with the official Rules of the Supreme Court. Even if this were true, it would go to the merits of Plaintiff’s claim, not the Court’s jurisdiction. The Court lacks jurisdiction regardless of *why* Plaintiff claims the Rule is invalid, because the Court simply cannot tell the Supreme Court how to handle its filing system. This jurisdictional hurdle makes it impossible for Plaintiff to succeed on the merits of his claims.¹² This not only weighs against the Court granting Plaintiff’s Application, it also requires that the Court dismiss this case for lack of jurisdiction.

12 Defendants also argue that Plaintiff is unlikely to succeed on the merits because officers of the Supreme Court enjoy immunity from suits for monetary damages based on actions within their official duties. The Court agrees with Defendants as a legal principle, but the Court does not rest its decision to deny Plaintiff’s Application on this principle. Although Plaintiff’s Civil Cover Sheet does state a demand of \$450, ECF No. 1-1 at 2, the Prayer for Relief in Plaintiff’s actual Complaint does not request money damages, Compl. at 14.

B. Plaintiff Fails to Show Irreparable Injury

Plaintiff's failure to demonstrate that he will suffer irreparable injury in the absence of preliminary injunctive relief also weighs against his Application. To show that a preliminary injunction is warranted, Plaintiff must demonstrate that there is a likelihood of irreparable harm. See *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006) ("A movant's failure to show any irreparable harm is therefore grounds for refusing to issue a preliminary injunction, even if the other three factors entering the calculus merit such relief."). The Court of Appeals for the D.C. Circuit "has set a high standard for irreparable injury." *Id.* "First, the injury 'must be both certain and great; it must be actual and not theoretical.'" *Id.* (citation omitted). "Second, the injury must be beyond remediation." *Id.*

Here, any harm Plaintiff fears may befall him is entirely speculative. The Court understands that Plaintiff fears that his papers may be tampered with if he files them according to the Supreme Court's delivery rules. But Plaintiff has presented nothing but his own unfounded speculation to support that theory. Not only is there no evidence that anyone will tamper with his filings, Plaintiff has not even offered a plausible motive or incentive for anyone to do so. Plaintiff does not explain why the individuals who are allegedly conducting the safety inspections of his documents—the identities of whom he does not know—have any reason to do him harm. Mere speculation is far from sufficient to establish an entitlement to preliminary injunctive relief. *Id.* (holding that an irreparable injury must be "actual and not theoretical").

C. Public Interest and the Balance of Hardships

Finally, the Court also finds that the balance of hardships and the public interest weigh against granting Plaintiff's Application. Enjoining the challenged rule could harm Defendants and the public. As the Court understands it, the challenged Rule is in place to ensure the safety of the Supreme Court. This is clearly a weighty and legitimate public interest. The Court is well aware that our Nation's federal courts—and the Supreme Court in particular—have been the target of attacks through the mail or other deliveries in the past. See, e.g., Anne Gearan, *Supreme Court Mail Has Anthrax Scare*, WASHINGTON POST, Oct. 26, 2001, http://www.washingtonpost.com/wp-srv/aponline/20011026/aponline134723_000.htm. No significant hardship to Plaintiff has been shown that would outweigh this important public safety interest. In fact, as explained above, the Court is not satisfied by Plaintiff's showing that maintaining the Supreme Court's filing rules will cause him any harm at all.

D. Dismissal for Lack of Jurisdiction

For the same reasons that the Plaintiff has not demonstrated a likelihood of success on the merits of his claims, the Court must dismiss this case. It is clear that the Court lacks jurisdiction over Plaintiff's lawsuit. See *In re Marin*, 956 F.2d at 340 (district courts may not "compel the Clerk of the Supreme Court to take any action"). Despite the fact that no motion to dismiss has been filed, the Court may not ignore this lack of jurisdiction. It must dismiss this case. See Fed. R. Civ. P. 12(h)(3) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.").

IV. CONCLUSION

For the foregoing reasons Plaintiff's Application for Temporary Restraining Order and Preliminary Injunction will be DENIED and this case will be DISMISSED. An appropriate

Order accompanies this Memorandum Opinion.

/s/

COLLEEN KOLLAR-KOTELLY
United States District Judge

APPENDIX E

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHAEL S. BENT,

Plaintiff, Civil Action No.
v. 17-2320 (CKK)
PAMELA TALKIN, *et al.*,
Defendants.

ORDER

(November 17, 2017)

The Court has received Plaintiff's [4] Motion for Use of CM/ECF Username and Password. The Motion is **DENIED**.

Local Civil Rule 5.4(b)(2) states that “[a] pro se party may obtain a CM/ECF user name and password from the Clerk with leave of Court. Whether leave of Court should be granted is within the discretion of the judge to whom the case is assigned.” In an exercise of its discretion, the Court **DENIES** Plaintiff’s motion **WITHOUT PREJUDICE**. Plaintiff may re-file such a motion at a later date, after the Court has a better sense of how this litigation will proceed.

The Clerk of the Court shall mail a copy of this Order to Plaintiff at his address of record.

SO ORDERED.

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge

APPENDIX F

District of Columbia Local Civil Rule

LCvR 5.4

CASES ASSIGNED TO CASE MANAGEMENT /
ELECTRONIC CASE FILING (CM/ECF) SYSTEM

(2) A pro se party may obtain a CM/ECF user name and password from the Clerk with leave of Court. Whether leave of Court should be granted is within the discretion of the judge to whom the case is assigned. To obtain leave of Court, the pro se party must file a written motion entitled "Motion for CM/ECF User Name and Password," describing the party's access to the internet, confirming the capacity to file documents and receive filings electronically on a regular basis, and certifying that he or she either has successfully completed the entire Clerk's Office on-line tutorial or has been permitted to file electronically in other federal courts.

(3) A CM/ECF password may be used only by the person to whom it is assigned, or, in the case of an attorney, by that attorney or an authorized employee or agent of that attorney's law office or organization.

(4) The use of a CM/ECF password to login and submit documents creates an electronic record that operates and serves as the signature of the person to whom 25
the password is assigned for all purposes under the Federal Rules of Civil Procedure and the Local Rules of this Court.

(5) Electronically filing a document that contains a declaration, verification, certificate, sworn statement, oath or affidavit certifies that the original

signed document is in the possession of the attorney or pro se party responsible for the filing and that it is available for review upon request by a party or by the Court.

- (6) An attorney or pro se party who obtains a CM/ECF password consents to electronic service of all documents, subsequent to the original complaint, that are filed by electronic means pursuant to Fed. R. Civ. P. 5(b)(2)(E). Such counsel and pro se parties are responsible for monitoring their e-mail accounts, and, upon receipt of notice of an electronic filing, for retrieving the noticed filing.

APPENDIX G **CONSTITUTION PROVISIONS**

U.S. Constitution Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Constitution Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Constitution Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

APPENDIX H
FEDERAL STATUTES AND AGENCY REGULATIONS

18 U.S. Code § 1345 - Injunctions against fraud

(b) The court shall proceed as soon as practicable to the hearing and determination of such an action, and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.

28 U.S.C. § 671. Clerk

(a) The Supreme Court may appoint and fix the compensation of a clerk and one or more deputy clerks. The clerk shall be subject to removal by the Court. Deputy clerks shall be subject to removal by the clerk with the approval of the Court or the Chief Justice of the United States.

[(b) Repealed. Pub. L. 92-310, title II, § 206(c), June 6, 1972, 86 Stat. 203.]

(c) The clerk may appoint and fix the compensation of necessary assistants and messengers with the approval of the Chief Justice of the United States.

(d) The clerk shall pay into the Treasury all fees, costs, and other moneys collected by him. He shall make annual returns thereof to the Court under regulations prescribed by it.

28 U.S.C. § 672. Marshal

- (a) The Supreme Court may appoint a marshal, who shall be subject to removal by the Court, and may fix his compensation.
- (b) The marshal may, with the approval of the Chief Justice of the United States, appoint and fix the compensation of necessary assistants and other employees to attend the Court, and necessary custodial employees.
- (c) The marshal shall:
 - (1) Attend the Court at its sessions;
 - (2) Serve and execute all process and orders issued by the Court or a member thereof;
 - (3) Take charge of all property of the United States used by the Court or its members;
 - (4) Disburse funds appropriated for work upon the Supreme Court building and grounds under the jurisdiction of the Architect of the Capitol upon certified vouchers submitted by the Architect;
 - (5) Disburse funds appropriated for the purchase of books, pamphlets, periodicals and other publications, and for their repair, binding, and rebinding, upon vouchers certified by the librarian of the Court;
 - (6) Pay the salaries of the Chief Justice, associate justices, and all officers and employees of the Court and disburse other funds appropriated for disbursement, under the direction of the Chief Justice;
 - (7) Pay the expenses of printing briefs and travel expenses of attorneys in behalf of persons whose motions to appear in forma pauperis in the Supreme Court have been approved and when

counsel have been appointed by the Supreme Court, upon vouchers certified by the clerk of the Court;

- (8) Oversee the Supreme Court Police.

28 U.S.C. § 1254 Courts of appeals; certiorari; certified questions

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

- (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;
- (2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

28 U.S.C. § 1331 Federal question

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 U.S.C. § 1367. Supplemental jurisdiction

- (a) Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or

intervention of additional parties.

- (b) In any civil action of which the district courts have original jurisdiction founded solely on section 1332 of this title, the district courts shall not have supplemental jurisdiction under subsection (a) over claims by plaintiffs against persons made parties under Rule 14, 19, 20, or 24 of the Federal Rules of Civil Procedure, or over claims by persons proposed to be joined as plaintiffs under Rule 19 of such rules, or seeking to intervene as plaintiffs under Rule 24 of such rules, when exercising supplemental jurisdiction over such claims would be inconsistent with the jurisdictional requirements of section 1332.
- (c) The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if—
 - (1) the claim raises a novel or complex issue of State law,
 - (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,
 - (3) the district court has dismissed all claims over which it has original jurisdiction, or
 - (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.
- (d) The period of limitations for any claim asserted under subsection (a), and for any other claim in the same action that is voluntarily dismissed at the same time as or after the dismissal of the claim under subsection (a), shall be tolled while the claim is pending and for a period of 30 days after it is dismissed unless State law provides for a longer

tolling period.

- (e) As used in this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

40 U.S.C. § 6102. Regulations

- (a) **AUTHORITY OF THE MARSHAL.**—In addition to the restrictions and requirements specified in subchapter IV, the Marshal of the Supreme Court may prescribe regulations, approved by the Chief Justice of the United States, that are necessary for— (1) the adequate protection of the Supreme Court Building and grounds and of individuals and property in the Building and grounds; and (2) the maintenance of suitable order and decorum within the Building and grounds.
- (b) **POSTING REQUIREMENT.**—All regulations prescribed under this section shall be posted in a public place at the Building and shall be made reasonably available to the public in writing.

40 U.S.C. § 6121. General

- (a) **AUTHORITY OF MARSHAL OF THE SUPREME COURT AND SUPREME COURT POLICE.**—In accordance with regulations prescribed by the Marshal of the Supreme Court and approved by the Chief Justice of the United States, the Marshal and the Supreme Court Police shall have authority—
 - (1) to police the Supreme Court Building and grounds and adjacent streets to protect individuals and property;
 - (2) in any State, to protect—(A) the Chief Justice, any Associate Justice of the Supreme Court, and any official guest of the Supreme Court; and (B) any

officer or employee of the Supreme Court while that officer or employee is performing official duties;

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42 U.S.C. § 654 - State plan for child and spousal support

- (7) [A State plan must] provide for entering into cooperative arrangements with appropriate courts and law enforcement officials ...
 - (A) to assist the agency administering the plan, including the entering into of financial arrangements with such courts and officials in order to assure optimum results under such program, and
 - (B) with respect to any other matters of common concern to such courts or officials and the agency administering the plan;