

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

AUTRY LEE JONES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 02-1717 (RMC)
)	
UNITED STATES DEPARTMENT OF)	
JUSTICE, <u>et al.</u>,)	
)	
Defendants.)	

MEMORANDUM OPINION

This action is before the Court on its initial review of Mr. Jones' *pro se* complaint. Mr. Jones is a prisoner incarcerated at the United States Penitentiary in Florence, Colorado. He has sued the United States Department of Justice, Attorney General John Ashcroft and the United States District Court for the Western District of Texas at Austin, Texas, for allegedly denying him his First Amendment right to access the courts. The Court finds that it lacks subject matter jurisdiction over the claims and therefore must dismiss the case.¹

Mr. Jones is serving two life sentences imposed by the defendant district court ("Western District"). The pending complaint arises from Mr. Jones' unsuccessful attempts to

¹ The record shows that the Clerk of Court issued three summonses on August 21, 2002, when the complaint was filed. Plaintiff is not proceeding *in forma pauperis* and therefore was responsible for effecting service of process upon each defendant within 120 days from the filing of the complaint. See Fed. R. Civ. P. 4 (c). The record does not reflect service of process upon any defendant, and the time for effecting service has expired. Ordinarily, pursuant to Fed. R. Civ. P. 4 (m), the Court would direct the plaintiff to show cause why the case should not be dismissed for insufficient service or provide additional time for service to be effected. Neither is warranted here because dismissal is required under Fed. R. Civ. P. 12(h)(3) ("Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.").

challenge his convictions through motions to vacate sentence under 28 U.S.C. § 2255 and a writ of *habeas corpus* under 28 U.S.C. § 2241. Mr. Jones seeks to hold Attorney General Ashcroft and the Department of Justice liable apparently for filing a motion to dismiss the § 2255 petition on untimeliness grounds. See 28 U.S.C. § 2255 (imposing a one-year statute of limitations). Mr. Jones seeks to hold the Western District liable apparently for "refusing to entertain Plaintiff[']s petition," which he alleges proves his innocence. Complaint ¶ 23. Mr. Jones wants "this court [to] rule that the one [-] year limitation violates the First and Fifth Amendment[s] of the United States Constitution." Complaint at 5.

In effect, Mr. Jones is seeking review of the Western District's denial of his § 2255 motion. This Court has no authority to review the decisions of another court. See 28 U.S.C. §§ 1331, 1332 (general jurisdictional provisions); U.S. v. Atkins, 116 F.3d 1566, 1571 (D.C. Cir.), cert. denied 522 U.S. 975 (1997); Fleming v. United States, 847 F. Supp. 170, 172 (D.D.C. 1994), cert denied 513 U.S. 1150 (1995). Accordingly, the complaint is dismissed. A separate Order of dismissal accompanies this Memorandum Opinion.

/s/
Rosemary M. Collyer
United States District Judge

Date: January 17, 2003