

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Nat Schlesinger,	:	
	:	
Petitioner,	:	
v.	:	Civil Action No. 08-1668 (CKK)
	:	
Michael Mukasey <i>et al.</i> ,	:	
	:	
Respondents.	:	

MEMORANDUM OPINION

In this mandamus action filed *pro se*, petitioner, a federal prisoner, seeks to compel the United States Attorney General and the United States Attorney for the Eastern District of New York to “investigate and prosecute” offenses allegedly committed by individuals involved in his criminal prosecution. Petition for Writ of Mandamus at 1. He accuses said individuals of obstruction of justice, perjury, witness tampering and subordination of perjury. Petitioner also seeks a declaratory judgment to establish his rights. *Id.* The United States Attorney General has absolute discretion in deciding whether to investigate claims for possible criminal or civil prosecution. As a general rule applicable to the circumstances of this case, such decisions are not subject to judicial review. *Shoshone-Bannock Tribes v. Reno*, 56 F.3d 1476, 1480-81 (D.C. Cir. 1995). The complaint therefore must be dismissed. *See* Fed. R. Civ. P. 12(h)(3) (requiring the Court to dismiss a case “at any time” it determines that it lacks subject matter jurisdiction). A separate Order accompanies this Memorandum Opinion.

s/s

COLLEEN KOLLAR-KOTELLY
United States District Judge

Date: March 3, 2009