

FILED

MAY 21 2009

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

**Clerk, U.S. District and
Bankruptcy Courts**

Chris Walters,

Plaintiff,

v.

**Michael Astrue, Commissioner, Social
Security Administration, et al.,**

Defendants.

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Civil Action No.

09 0956

MEMORANDUM OPINION

The plaintiff has filed a *pro se* complaint and an application to proceed *in forma pauperis*. The Court will grant the application to proceed *in forma pauperis* and dismiss the complaint.

Plaintiff asks this Court “to consider whether the Social Security Commissioners and other third parties ongoing questions violated Title 18 USC 402 Contempt.” Compl. at 1. For relief, the complaint asks that “[i]f the Court finds this cause to have merit it may consider authorization of Bench Warrants for persons engaged in prohibited acts as well as authorize reasonable attorney fees to Chris Walters for having to respond to frivolous communications.”

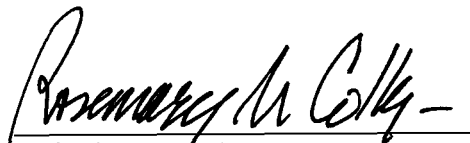
This court is a court of limited jurisdiction, restricted by Article III of the U.S. Constitution to hearing only those matters that present an actual case or controversy. The complaint, as drafted, does not establish that the consideration plaintiff seeks represents an actual case or controversy. For that reason, this complaint will be dismissed for lack of subject matter jurisdiction.

In addition, the complaint appears to request that this Court conduct an inquiry that could possibly result in a criminal prosecution for contempt. A federal court, part of the judicial branch of government, does not perform the functions requested. Investigation and prosecution of possible violations of federal criminal statutes is a function vested exclusively with the executive branch of government. For this reason, too, the complaint will be dismissed for lack of subject matter jurisdiction.

A separate order accompanies this memorandum opinion.

Date:

15 May 2009


United States District Judge