

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR 16 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ROBERT D. GIBSON,

Petitioner,

v.

UNITED STATES ATTORNEY
GENERAL, *et al.*,

Respondents.

Civil Action No. 08 0660

MEMORANDUM OPINION

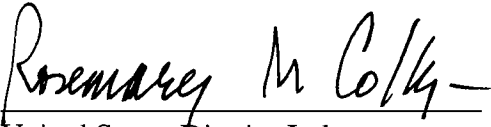
This matter is before the Court upon consideration of petitioner's application to proceed *in forma pauperis* and his *pro se* petition for writ of mandamus. The application will be granted, and the petition will be dismissed.

Petitioner requests "a criminal investigation of the clerical staff at the Court of Appeals for the Ninth Circuit of California." Pet. at 2 (page number designated by the Court). According to petitioner, "corrupt individuals" working at the Circuit Court either are forging orders or providing false information to the judges in violation of 18 U.S.C. § 1001. *Id.* Among other things, petitioner asks this Court to order the United States Department of Justice "to do a cursory investigation into [his] allegation and report its findings to the Chief Justice." *Id.* at 3.

This Court has no authority to compel such an investigation. *See United States v. Nixon*, 418 U.S. 683, 693 (1974) (acknowledging that the Executive Branch "has exclusive authority and absolute discretion to decide whether to prosecute a case"); *Powell v. Katzenbach*, 359 F.2d 234, 234-35 (D.C. Cir. 1965) (per curiam), *cert. denied*, 384 U.S. 906 (1966) ("[T]he question of whether and when prosecution is to be instituted is within the discretion of the Attorney General. Mandamus will not lie to control the exercise of this discretion."). Accordingly, the Court will

dismiss the petition for failure to state a claim upon which relief can be granted. An Order consistent with this Memorandum Opinion is issued separately.

DATE: 3/25/08


United States District Judge