

**FILED**

APR 29 2008

Clerk, U.S. District and  
Bankruptcy Courts

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Emanuel Brown,

Plaintiff,

v.

Michael Mukasey/Attorney General,

Defendant.

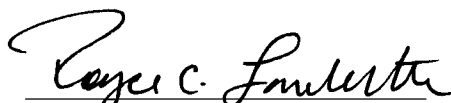
Civil Action No.

**08 0738**

MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant plaintiff's application and dismiss the complaint for lack of subject-matter jurisdiction.

Plaintiff, a prisoner at the Federal Correctional Institution in Minersville, Pennsylvania, seeks to compel the Attorney General to appoint an independent counsel to investigate "prosecutorial criminal misconduct by U.S. Department of Justice employees, and several U.S. Magistrate Judge, along with Clerks of Court," stemming from his alleged "illegal prosecution." Compl. at 1. 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). Besides, the independent counsel statute expired in 1999. See 28 U.S.C. § 599. A separate Order of dismissal accompanies this Memorandum Opinion.

  
United States District Judge

Date: April 15, 2008

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