

**FILED**

**JUN 18 2008**

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

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Gary William Holt *et al.*, )  
)  
Petitioners, )  
)  
v. )  
)  
George W. Bush *et al.*, )  
)  
Respondents. )

Civil Action No. **08 1043**

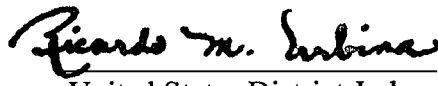
MEMORANDUM OPINION

In this action submitted *pro se* by more than 20 federal prisoners with applications to proceed *in forma pauperis*, petitioners seek to declare a statute unconstitutional. The Court will grant the respective applications to proceed *in forma pauperis* and will dismiss the case as it is required to do upon a determination that the action is frivolous. 28 U.S.C. § 1915A(a)-(b).

Petitioners are challenging the constitutionality of 18 U.S.C. § 3231, which gives United States district courts original jurisdiction over criminal offenses against the United States. Petitioners claim that district courts lack “criminal jurisdiction because such jurisdiction was never granted by an Act of Congress as required by the Constitution.” Pet. at 5.

A complaint may be dismissed as frivolous when, as here, it lacks “an arguable basis in law and fact.” *Brandon v. District of Columbia Bd. of Parole*, 734 F.2d 56, 59 (D.C. Cir. 1984). See *Rogers v. United States District Court for the Northern District of Tex., Dallas Division*, No. 06-5214, 2006 WL 3498294 (D.C. Cir., Nov. 13, 2006) (“The district court correctly concluded that appellant's complaint is frivolous. . . . Contrary to appellant's assertions, the United States District Court for the Northern District of Texas is an Article III court.”) (quoting U.S. Const. art.

III, § 1) (“The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.”); 28 U.S.C. § 132 (creating district courts)) (other citation omitted). Accordingly, this case is dismissed. A separate Order accompanies this Memorandum Opinion.

  
United States District Judge

Date: June 16, 2008