

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FILED

DEC - 5 2008

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

MATTHEW D. PINNAVAIA,

Plaintiff,

v.

UNITED STATES ATTORNEY GENERAL,

Defendant.

Civil Action No.

08 2008

MEMORANDUM OPINION

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

In his complaint, plaintiff explains research he and his late father conducted pertaining to the formation of DeBeers Consolidated Mines Ltd., "coinciding with the birth of Nazi Germany," and its role in "supplying Chancellor [Adolf] Hitler and the Third-Reich with the one essential and vital ingredient – industrial grade diamonds – for the military rebuilding of Germany." Compl. ¶ 7. The alleged "diabolical nature of the business-conduct of DeBeers Consolidated Mines Ltd." led to "the American and Allied soldier battle-deaths in the European theater of WW-II" as well as the Holocaust. *Id.* ¶ 14. In this action, plaintiff demands an Order to "compel [the U.S. Attorney General . . . to bring forth a U.S. legal-action, against the company, DeBeers Consolidated Mines Ltd. (including all of the Oppenheimer family companies which conduct business in the U.S.)." Compl. at 11.


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This Court has no authority to compel such action. The Executive branch of government “has exclusive authority and absolute discretion to decide whether to prosecute a case.” *United States v. Nixon*, 418 U.S. 683, 693 (1974); *see Powell v. Katzenbach*, 359 F.2d 234, 234-35 (D.C. Cir. 1965) (per curiam) (“[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.”), *cert. denied*, 384 U.S. 906 (1966). Accordingly, the Court will dismiss the complaint for failure to state a claim upon which relief can be granted. An Order consistent with this Memorandum Opinion is issued separately.

DATE:

10/28/08

  
United States District Judge