

FILED

MAY 12 2009

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In Re: Montgomery Blair Sibley,

Petitioner,

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Misc. Action No. *09-235*

MEMORANDUM AND ORDER

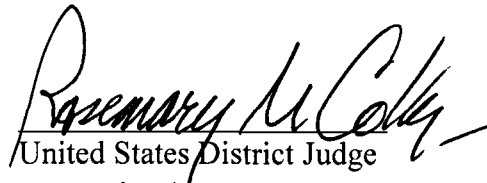
Petitioner has lodged a document captioned “Motion for Waiver of Filing Fees Pursuant to the Justice for All Act of 2004, 18 U.S.C. § 3771(d)(3),” but he has not averred that he is unable to pay the applicable filing fee for a miscellaneous action or provided any financial information from which the Court can make such a determination. *See* 28 U.S.C. § 1915(a)(1).

Rather, petitioner purports to proceed under the Crime Victims’ Rights Act (“the Act”) by making the incredible suggestion that he was the victim of criminal acts by unknown staff at the Supreme Court who allegedly “conceal[ed] his pleadings from the public docket.” Motion for Relief Pursuant to the Justice for All Act of 2004, 18 U.S.C. § 3771(d)(3) ¶ 10. He then asserts, without any citation to authority, that “[c]learly, Congress was not imposing a duty upon a crime victim to file a miscellaneous action but was permitting entry to district court without the additional burden of a filing fee.” Mot. for Waiver at 1.

The Act requires crime victims to enforce their statutory rights in the district court of the criminal prosecution “or, if no prosecution is underway, in the district court in the district in which the crime occurred.” 18 U.S.C. § 3771(d)(3). No prosecution is underway in this Court, nor is it likely to be. Thus, petitioner must initiate an action that is subject to a filing fee, the prepayment of which is waivable under § 1915. *See* 28 U.S.C. § 1914(a) (“The clerk of each district court shall require the parties instituting any civil action, suit or proceeding . . . whether

by original process, removal or otherwise, to pay a filing fee[.]”). Because petitioner has not satisfied the requirements for proceeding *in forma pauperis*, it is this 5 day of May 2009,

ORDERED that petitioner’s motion to proceed *in forma pauperis* is DENIED. Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal from this Order would not be taken in good faith.


United States District Judge
5/5/09