

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR 22 2010

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Donville James,

Plaintiff,

v.

Eric Holder et al.,

Defendants.

Civil Action No.

10 0625

MEMORANDUM OPINION

This matter is before the Court on the plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application to proceed *in forma pauperis* will be granted and the complaint will be dismissed pursuant to the Court's authority under 28 U.S.C. § 1915A(b).

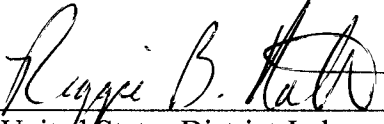
The complaint purports to bring a claim under *Bivens v. Six Unknown Agents of Fed. Bur. of Narcotics*, 403 U.S. 388 (1971), against the United States Attorney General, the United States Attorney for the Northern District of Illinois, two assistant United States Attorneys who prosecuted the plaintiff on cocaine trafficking, counterfeiting, and weapons charges, two named federal agents involved in the plaintiff's prosecution, and one John Doe federal agent. As relief, the plaintiff seeks approximately \$50 million in damages and a declaratory judgment finding that each defendant violated certain criminal statutes.

Declaratory relief of the sort the plaintiff seeks is not available. A private citizen cannot obtain a declaration of a violation of a federal criminal statute. A violation of a federal criminal statute is established through a criminal prosecution initiated by the federal executive branch and adjudicated by the federal judiciary. Therefore, the complaint must be dismissed for failure to state a claim upon which relief may be granted. Moreover, if the complaint were not dismissed on this ground, it would be dismissed on the basis of improper venue, as "a substantial part of the

giving rise to the claim occurred” in the Northern District of Illinois, not in the District of Columbia. 28 U.S.C. § 1391(b)(2).

A separate order of dismissal accompanies this memorandum opinion.

Date: *April 13, 2010*


United States District Judge