

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

SEP 15 2010

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

DeJUAN B. THORNTON-BEY,

Plaintiff,

v.

Civil Action No.

ADMINISTRATIVE OFFICE OF  
THE UNITED STATES COURTS, *et al.*,

Defendants.

10 154<sup>6</sup>

**MEMORANDUM OPINION**

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

Plaintiff alleges that the Administrative Office of the United States Courts and the United States Department of Justice failed to have proper oaths of office taken by The Hon. Ann C. Williams, Judge of the United States Court of Appeals for the Seventh Circuit, and The Hon. John W. Darrah, Judge of the United States District Court for the Northern District of Illinois. Compl. at 2. He states that Judge Darrah sentenced him to a 32 year term of imprisonment, and that Judge Williams issued two rulings against him on motions filed under 28 U.S.C. § 2255. *Id.* at 3. Plaintiff demands an investigation and the judges' impeachment. *Id.*

The decision to pursue a criminal investigation or to prosecute a criminal case rests with the executive branch of government, *see United States v. Nixon*, 418 U.S. 683, 693 (1974) (acknowledging that the Executive Branch "has exclusive authority and absolute discretion to decide whether to prosecute a case"), and only the United States Senate may impeach a federal judge, U.S. CONST. art. I, § 3, cl. 6; *see Nixon v. United States*, 506 U.S. 224, 229 (1993).

Therefore, a district court "cannot compel the U.S. Congress or President to impeach any federal

judge or to prosecute any federal judge.” *Miller Family v. President of U.S.*, No. C 98-4441 SI (PR), 1998 WL 841611, at \*1 (N.D. Cal. Dec. 2, 1998) (dismissing as frivolous a prisoner’s petition for a writ of mandamus which, among other relief, demanded the impeachment and prosecution of the Ninth Circuit judges who heard his appeal).

The Court will dismiss this action because the complaint fails to state a claim upon which relief can be granted. *See* 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1). An Order consistent with this Memorandum Opinion is issued separately.



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United States District Judge

DATE: 8/31/10