

JUN - 8 2011

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Steven Ivey,

Plaintiff,

V.

Fair Labor Relations Authority *et al.*,

Defendants.


Civil Action No. **11 1057**

MEMORANDUM OPINION

This matter is before the Court on review of the plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action "at any time" it determines that subject matter jurisdiction is wanting).

Plaintiff seeks review of the decision of the General Counsel of the Federal Labor Relations Authority (“FLRA”), effectively declining to “issue a complaint against the National Treasury Employees Union . . . and the US Treasury Department . . . for unfair labor practices” Compl. at 1-2. The General Counsel’s decision “not to file a complaint is not judicially reviewable” *Patent Office Prof’l Ass’n v. FLRA*, 128 F.3d 751, 753 (D.C. Cir. 1997). A separate Order of dismissal accompanies this Memorandum Opinion.

DATE: June 7, 2011


United States District Judge

V

4