

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MARZUQ AL-HAKIM,)	
)	
)	
Plaintiff,)	Case: 1:15-cv-01789
)	Assigned To : Unassigned
v.)	Assign. Date : 10/21/2015
)	Description: Pro Se Gen. Civil F Deck
BARACK H. OBAMA, <i>et al.</i> ,)	
)	
Defendants.)	
)	

MEMORANDUM OPINION

This matter is before the Court on the plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint.

The plaintiff states that his brother, who had been in the custody of the Florida Department of Corrections since 1983, died on March 18, 2015 of metastatic carcinoma. Compl. at 5 (page number designated by the Court). He alleges that medical staff knew of his late brother's illness and failed to treat the cancer. *See id.* He deems his brother's death a criminal act, *see id.* at 6, and by their refusal to prosecute this crime, *see id.*, the defendants have violated 18 U.S.C. § 242, *see id.* at 5.¹ *See id.* He demands an Order directing defendants to investigate his brother's death. *Id.*

¹ Section 242 of Title 18 of the United States Code provides:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or

The Court will dismiss the complaint because it fails to state claims upon which relief can be granted. There is no private right of action under 18 U.S.C. § 242, *see, e.g., McCray v. Holder*, 391 F. App'x 887 (D.C. Cir. 2010) (per curiam) (concluding that “district court correctly held that there is no private right of action under 18 U.S.C. §§ 241 and 242”), and the decision to investigate any particular matter is left to the defendants’ discretion, *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”).

An Order accompanies this Memorandum Opinion.

DATE:

18/16/15



United States District Judge

by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. § 242.