

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Robert Heard,)	
)	
Petitioner,)	
)	Case: 1:16-cv-00055
v.)	Assigned To : Unassigned
)	Assign. Date : 1/13/2016
The United States Attorney General <i>et al.</i> ,)	Description: Pro Se Gen. Civil (F Deck)
)	
Respondents.)	

MEMORANDUM OPINION

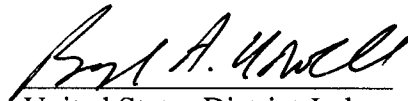
Petitioner, proceeding *pro se*, has submitted a Mandamus action and an application to proceed *in forma pauperis*. The Court will grant petitioner's application to proceed *in forma pauperis* and will dismiss the case. *See* 28 U.S.C. § 1915(e)(2)(B)(ii) (requiring dismissal of a case upon a determination that the complaint fails to state a claim upon which relief may be granted).

Petitioner seeks to compel an investigation of a list of wrongs, ranging from identify theft to murder. *See* Pet. at 2. Petitioner neither describes the alleged wrongdoing nor identifies the wrongdoers, but he states that the respondents were "alerted" about the behavior on several occasions in 2014 and 2015. *Id.* at 1.

The extraordinary remedy of a writ of mandamus is available to compel an "officer or employee of the United States or any agency thereof to perform a duty owed to plaintiff." 28 U.S.C. § 1361. Petitioner bears a heavy burden of showing that his right to a writ of mandamus is "clear and indisputable." *In re Cheney*, 406 F.3d 723, 729 (D.C. Cir. 2005) (citation omitted). "It is well settled that a writ of mandamus is not available to compel discretionary acts." *Cox v. Sec'y of Labor*, 739 F. Supp. 28, 30 (D.D.C. 1990) (citing cases). The United States Attorney

General has absolute discretion in deciding whether to investigate claims for possible criminal or civil prosecution. As a general rule applicable here, such decisions are not subject to judicial review. *Shoshone-Bannock Tribes v. Reno*, 56 F.3d 1476, 1480-81 (D.C. Cir. 1995); *see Wightman-Cervantes v. Mueller*, 750 F. Supp. 2d 76, 80 (D.D.C. 2010) (“[A]n agency’s decision whether to prosecute, investigate, or enforce has been recognized as purely discretionary and not subject to judicial review.”) (citing *Block v. SEC*, 50 F.3d 1078, 1081-82 (D.C. Cir. 1995)) (other citation omitted).

A separate order of dismissal accompanies this Memorandum Opinion.


United States District Judge

Date: January 12, 2016