

FILED

SEP 20 2016

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Clerk U.S. District and
Bankruptcy Courts

Ike Shawndale Nunn,

Plaintiff,

v.

United States Attorney General

Loretta Lynch,

Defendant.

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Case: 1:16-cv-01881 Jury Demand
Assigned To : Unassigned
Assign. Date : 9/20/2016
Description: Pro Se Gen. Civil (F Deck)

MEMORANDUM OPINION

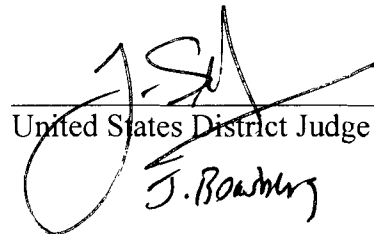
This matter is before the Court on its initial review of plaintiff's *pro se* complaint and application for leave to proceed *in forma pauperis*. The Court will grant the application and dismiss the complaint for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court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

Plaintiff is an Arkansas state prisoner. He sues Attorney General Loretta Lynch for failing to investigate his claim that because of his mental illness, he has been deprived of his liberty and subjected to cruel and unusual punishment. In an attachment to the Complaint, the Department of Justice's Civil Rights Division concludes in response to plaintiff's request for an investigation "that this matter does not present a prosecutable violation of federal criminal civil rights statutes." July 5, 2016 Letter.

The United States Attorney General has absolute discretion in deciding whether to investigate claims for possible criminal or civil prosecution, and, 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)). Therefore, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: September 15, 2016


United States District Judge
J. Bowring