UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES GENCARELLI,)
)
Plaintiff,)
)
v.)
)
DEMOCRATIC NATIONAL COMMITTEE, *et al.*,)
)
Defendants.)

Case: 1:17-cv-00721 (F-Deck)
Assigned To : Unassigned
Assign. Date : 4/19/2017
Description: Pro Se Gen. Civil Jury Demand

MEMORANDUM OPINION

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

It appears that the plaintiff brings this action under 18 U.S.C. § 371 and charges defendants with conspiracy to usurp the government of the United States, *see* Am. Compl. at 1 (caption), among other criminal offenses, *see id.* at 3-6. However, none of the code provisions cited by plaintiff allows for a private right of action. *See Ray v. First Nat. Bank of Omaha*, 413 F. App'x 427, 430 (3d Cir. 2011) (finding that "the Patriot Act does not provide for a private right of action for its enforcement"); *Beeson v. South Carolina*, No. CV 2:16-1164, 2016 WL 4394506, at *3 (D.S.C. July 13, 2016) (finding that 18 U.S.C. §§ 241, 242, 371, 2384, and 2385 are "criminal statu[t]es that do not give rise to civil liability or authorize a private right of action"), *report and recommendation adopted sub nom. Beeson v. State of South Carolina*, No. 2:16-CV-1164, 2016 WL 4370032 (D.S.C. Aug. 12, 2016); *Corrado v. N.Y. Office of Temp.*, No. 15-CV-7316, 2016 WL 3181128, at *5 (E.D.N.Y. June 2, 2016) (dismissing claims under 18 U.S.C. § 2382); *Payn v. Gerald E. Kelley*, No. CIV-15-1089-D, 2015 WL 7779701, at *3 (W.D. Okla. Dec. 2, 2015) (dismissing claims under 26 U.S.C. §§ 7201, 7203, 7206(1)); *DuBose v.*

Kasich, No. 2:11-CV-00071, 2013 WL 164506, at *2 (S.D. Ohio Jan. 15, 2013) (dismissing claims under 18 U.S.C. § 1361); *Kissi v. U.S. Dep't of Justice*, 793 F. Supp. 2d 233, 235 (D.D.C.) (dismissing claims under 18 U.S.C. §§ 1951 and 1957), *aff'd*, 444 F. App'x 457 (D.C. Cir. 2011); *Rockefeller v. U.S. Court of Appeals Office, for Tenth Circuit Judges*, 248 F. Supp. 2d 17, 23 (D.D.C. 2003) ("[T]he plaintiff is precluded from asserting any claims pursuant to 18 U.S.C. §§ 242 and 371 because, as criminal statutes, they do not convey a private right of action.").

The complaint will be dismissed because it fails to state a claim upon which relief can be granted. An Order consistent with this Memorandum Opinion is issued separately.

DATE:
4/11/17

United States District Judge