

FILED

DEC - 3 2019

**Clerk, U.S. District and
Bankruptcy Courts**

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

| | | |
|---------------------------|---|---------------------------------------|
| KURT R. MADSEN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No.: 1:19-cv-03402 (UNA) |
| v. |) | |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

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 *in forma pauperis* application and dismiss the case pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), mandating dismissal of a complaint which fails to state a claim upon which relief can be granted.


Plaintiff is a prisoner currently designated to the Central Detention Facility, located in the District of Columbia. He is aggrieved regarding a criminal matter filed against him in the Superior Court for the District of Columbia, namely, *United States v. Madsen*, No. 2019 CMD 009343 (D.C. Super. Ct. filed Jul. 15, 2019). He argues that he has suffered constitutional violations because he cannot "be held to answer for any crime where the United States is a party in any court which is not an article 3 court." Plaintiff is incorrect, in that, the United States Attorney for the District of Columbia may bring prosecutions in the name of the United States. *See* District of Columbia Code § 23-101.

The remainder of the complaint consists of his protestations regarding the underlying charges. As a general rule, applicable here, this court lacks jurisdiction to review the decisions of the Superior Court. *See Fleming v. United States*, 847 F. Supp. 170, 172 (D.D.C. 1994), *cert.*

denied 513 U.S. 1150 (1995) (following *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415, 416 (1923)). Such is the province of the District of Columbia Court of Appeals.

As such, the complaint is subject to dismissal under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to state a claim upon which relief may be granted. An Order consistent with this Memorandum Opinion is issued separately.

Date: November 27, 2019


United States District Judge