

FILED

Clerk, U.S. District & Bankruptcy
Court for the District of Columbia

Plaintiff,

V.

Defendant.

Civil Action No. 21-1867 (UNA)

This matter is before the Court on review of this *pro se* Plaintiff's application to proceed *in forma pauperis* (ECF No. 2), as well as his "Notice of Arrest," "Criminal Complaint," and "Affidavit in Support of Criminal Complaint and Arrest" (ECF No. 1, "Compl.>").

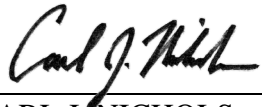
Plaintiff stated that he engaged “a disinterested third-party process server regarding cases 21cv1168, 21cv1169, 21cv1409, 21cv1484 and the arbitration collection process and collection on the obligations of contract therein.” Compl. ¶ 9. The process server allegedly “called the police for civil assist and protection” because he had “knowledge that those being served have a history of aggression[.]” *Id.* Plaintiff further stated that the officer, John Turco, “attempted to dissuade the process server” and threatened him with “arrest[] for harassment if said server attempted to effectuate the contractual obligations of process service.” *Id.* Plaintiff claims Turco thus violated five federal criminal statutes: 18 U.S.C. §§ 242 (deprivation of rights under color of law), 1501 (assault on process server), 1503 (influencing or injuring officer or juror generally), 1505 (obstruction of proceedings before departments, agencies, and committees). *See id.* ¶¶ 10-14. Plaintiff asks this Court to “issue warrants

and detain Defendant and bring forth Defendant to answer for the crimes committed under colour of law and authority,” *id.* at 6 (page number designated by CM/ECF).

The Court concludes that the complaint fails to state claims upon which relief can be granted. The Executive Branch, not a federal court, initiates criminal proceedings. *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”). And Plaintiff is “a private citizen [who] lacks a judicially cognizable interest in the prosecution or nonprosecution of another.” *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973). Furthermore, the federal statutes Turco allegedly violated do not provide for private causes of action. *See Banks v. Kramer*, No. 09-5140, 2009 WL 5526780, at *1 (D.C. Cir. Dec. 30, 2009) (per curiam) (discussing 18 U.S.C. §§ 1001, 1503, 1505, 1621, and 241); *Pope v. Thornburgh*, 978 F.2d 744 (D.C. Cir. 1992) (per curiam) (discussing 18 U.S.C. §§ 241, 242, 245); *Nguyen v. Ridgewood Sav. Bank*, No. 14-CV-1058 MKB, 2015 WL 2354308, at *13 (E.D.N.Y. May 15, 2015) (finding that 18 U.S.C. § 2381 “do[es] not provide a private right of action”); *Hopson v. Weinburg Attorney’s At Law*, No. 3:12-CV-802-H, 2013 WL 557263, at *2 (W.D. Ky. Feb. 12, 2013) (discussing 18 U.S.C. §§ 1501–13, 1515–17); *see also Central Bank of Denver v. First Interstate Bank of Denver*, 511 U.S. 164, 190 (1994) (declining to infer a private right of action from a “bare criminal statute”).

The Court will thus grant plaintiff’s application to proceed *in forma pauperis* and dismiss the complaint. An Order is issued separately.

DATE: August 4, 2021



CARL J. NICHOLS
United States District Judge