

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

JOSEPH M. EVANS,

Plaintiff,

v.

AMY ZUBRENSKY,

Defendant.

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Civil Action No. 22-0713 (UNA)

MEMORANDUM OPINION

The Court construes plaintiff’s *pro se* complaint as one under *Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), against the Assistant United States Attorney who prosecuted the criminal case against him. This defendant is absolutely immune from suit. *See, e.g., Jones v. District of Columbia*, No. 1:21-CV-01696, 2021 WL 5564631, at *1 n.1 (D.D.C. Nov. 23, 2021) (finding that the Assistant United States Attorney who prosecuted plaintiff is immune from suit); *Lovelien v. United States*, 422 F. Supp. 3d 341, 349 (D.D.C. 2019) (finding that counts of complaint challenging decision to prosecute “fall[] within the scope of absolute immunity”), *aff’d*, 853 F. App’x 676 (D.C. Cir. 2021); *Morris v. U.S. Sentencing Comm’n*, 62 F. Supp. 3d 67, 75–76 (D.D.C. 2014) (dismissing *Bivens* claims against United States Attorney and Assistant United States Attorney “stem[ming] from the U.S. Attorney’s arguments made as the government’s advocate in post-conviction proceedings” on absolute immunity grounds), *aff’d*, 696 F. App’x 515 (D.C. Cir. 2017); *see also Atherton v. District of Columbia Office of the Mayor*, 567 F.3d 672, 683 (D.C. Cir. 2009).

The Court, therefore, will grant plaintiff's application to proceed *in forma pauperis* and dismiss the complaint for failure to state a claim upon which relief can be granted. An Order is issued separately.

DATE: March 28, 2022

/s/

AMIT P. MEHTA
United States District Judge