

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

WILLIAM SCALES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 22-3755 (UNA)
)	
FEDERAL BUREAU OF INVESTIGATION,)	
)	
Defendant.)	

MEMORANDUM OPINION

This matter is before the Court on plaintiff’s application to proceed *in forma pauperis* and his *pro se* complaint. The Court will GRANT the application and, for the reasons stated below, DISMISS the complaint.

Plaintiff alleges that he submitted to the FBI “[m]ultiple reports of air, food and beverage tampering” which has occurred “at multiple locations, including but not limited to fast food restaurants.” Compl. at 5. This alleged tampering has caused plaintiff to experience “[j]itteriness, los[s] of memory, fatigue, dizziness, [and] headaches[.]” *Id.* at 6. He demands the “[i]mmediate investigation” of his complaints. *Id.*

Insofar as plaintiff demands government action, the Court treats the complaint as a petition for a writ of mandamus, which “compel[s] an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361. “[M]andamus is ‘drastic’; it is available only in ‘extraordinary situations.’” *In re Cheney*, 406 F.3d 723, 729 (D.C. Cir. 2005) (citations omitted). Only if “(1) the plaintiff has a clear right to relief; (2) the defendant has a clear duty to act; and (3) there is no other adequate remedy available to the plaintiff,” *Thomas v. Holder*, 750 F.3d 899, 903 (D.C. Cir. 2014), is mandamus relief granted.

Petitioner does not establish a clear right to relief or the FBI's clear duty to act where, as here, the decision to investigate a matter is discretionary. *See Heckler v. Chaney*, 470 U.S. 821, 831 (1985) (noting that “an agency’s decision not to prosecute or enforce, whether through civil or criminal process, is a decision generally committed to an agency’s absolute discretion”).

An Order is issued separately.

DATE: February 24, 2023

/s/
RUDOLPH CONTRERAS
United States District Judge