

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
(at Lexington)

BENNIE L. GAMBLE, JR.,)	
)	
Plaintiff,)	Civil Action No. 5: 14-118-DCR
)	
V.)	
)	
JACK CONWAY, Attorney General of)	MEMORANDUM OPINION
Kentucky,)	AND ORDER
)	
Defendant.)	

*** **

Bennie L. Gamble, Jr., is an inmate confined at the Northpoint Training Center in Burgin, Kentucky. Gamble has filed a one-page “Criminal Complaint” on a form document, naming the Kentucky Attorney General, Jack Conway, as the defendant. [Record No. 1] Gamble’s complaint asserts that Conway violated his civil rights in violation of Title 18, Chapter 13 of the United States Code; “conspired against [his] rights” in violation of 18 U.S.C. § 241; “depriv[ed his] rights under color of law” in violation of 18 U.S.C. § 242; committed “peonage” and “obstruct[ed] enforcement” in violation of 18 U.S.C. § 1581; committed fraud and made false statements in violation of 18 U.S.C. § 1002; and committed major fraud against the United States in violation of 18 U.S.C. § 1031. Gamble states that his claims are based on “Constitutional; Fact doctrine, Jurisdictional; fact doctrine, Constitutional tort, Government tort, intentional tort, Negligent tort, Personal tort, [and]

Prima: facie [evidence].” For administrative purposes, the Clerk of the Court has docketed Gamble’s complaint as a civil rights action filed pursuant to 42 U.S.C. § 1983. *Id.*

Over a three-day period, Gamble filed a total of six one-page “criminal complaints,” in this district. They are identical in all respects except for the name of the defendant. *See Gamble v. Thapar*, No. 7: 14-CV-41-KKC (E.D. Ky. 2014); *Gamble v. Corrections Corp. of America*, No. 7: 14-CV-45-ART (E.D. Ky. 2014); *Gamble v. Ky. Dept. of Corr.*, No. 5: 14-CV-117-KKC (E.D. Ky. 2014); *Gamble v. Conway*, No. 5: 14-CV-118-DCR (E.D. Ky. 2014); *Gamble v. Bottom*, No. 5: 14-CV-119-JMH (E.D. Ky. 2014); *Gamble v. Long*, No. 5: 14-CV-120-KKC (E.D. Ky. 2014). Gamble has a history as a repetitive and abusive filer before this Court, having been a plaintiff in at least seventeen cases in this district. Each of the defendants named in his current complaints was a named defendant in one or more of his numerous prior complaints. And each of those cases was dismissed upon initial screening. *Gamble v. Corrections Corp. of America*, No. 7: 12-CV-79-KKC (E.D. Ky. 2012); *Gamble v. Corrections Corp. of America*, No. 7: 13-CV-63-ART (E.D. Ky. 2013); *Gamble v. Corrections Corp. of America*, No. 7: 13-CV-82-ART (E.D. Ky. 2013); *Gamble v. Commonwealth of Kentucky*, No. 5: 13-CV-308-DCR (E.D. Ky. 2013); *Gamble v. Ky. Dept. of Corr.*, No. 5: 13-CV-317-KKC (E.D. Ky. 2013); *Gamble v. Bottom*, No. 5: 13-CV-326-JMH (E.D. Ky. 2013); *Gamble v. Conway*, No. 5: 13-CV-327-JMH (E.D. Ky. 2013); *Gamble v. Peckler*, No. 5: 13-CV-328-KSF (E.D. Ky. 2013).

Gamble’s current “criminal complaint” will be dismissed. As an initial matter, the Court notes that only a prosecutor has the authority to file criminal charges. A private citizen such as Gamble lacks standing to initiate such proceedings. *Diamond v. Charles*, 476 U.S.

54, 64 (1986) (explaining that a private citizen may not compel enforcement of a criminal law, because he “lacks a judicially cognizable interest in the prosecution of nonprosecution of another”) (internal quotation marks omitted); *see also Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973); *Williams v. Luttrell*, 99 F. App’x 705, 707 (6th Cir. 2004) (“[A]s a private citizen, [a plaintiff] has no authority to initiate a federal criminal prosecution.”). Further, Gamble has long been subject to the “three strikes” bar of 28 U.S.C. § 1915(g). His use of a “criminal complaint” against Jack Conway, a defendant named in his prior civil rights actions, is an improper attempt to side-step the dismissal of his prior frivolous filings. *See Gamble v. Conway*, No. 5: 13-CV-327-JMH (E.D. Ky. 2013) (dismissing Gamble’s § 1983 action against Attorney General Jack Conway). Accordingly, it is hereby

ORDERED as follows:

1. Gamble’s Criminal Complaint [Record No. 1] is **DISMISSED**, with prejudice.

This matter is **DISMISSED** and **STRICKEN** from the Court’s docket.

2. A separate Judgment shall be entered this date.

This 21st day of April, 2014.



Signed By:

Danny C. Reeves DCR

United States District Judge