

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

WILLIAM HERBERT VILLAR,)	
)	
Plaintiff)	
)	
vs.)	CIVIL NO. 11-00106-CG-M
)	
TONY PATTERSON, et al,)	
)	
Defendants.)	

ORDER

This matter is before the court on plaintiff’s appeal (Doc. 18) from the Order of the Magistrate Judge (Doc. 15) denying plaintiff’s motion for emergency medical treatment (Doc. 12), and from the Magistrate Judge’s “failure” to address the plaintiff’s request, in that same motion, that criminal charges be brought.

This court has reviewed the entire record to date in this case, and concludes that the magistrate judge’s order is not clearly erroneous or contrary to law. Plaintiff, by his own pleadings, demonstrates that he has received medical care from both nurses and physicians since the date of onset of his first symptoms, and although he disagrees with the effectiveness or quality of the care afforded him, has not demonstrated that his situation is so dire as to require court intervention. This entire lawsuit is about the quantity and quality of care plaintiff has received, and until the defendants have had the opportunity to respond with their report, the court will not address the merits of the complaint.

As for plaintiff’s request that the court institute criminal proceedings, plaintiff

is addressing that request to the wrong branch of government. Only the State of Alabama or the United States Department of Justice has the authority to instigate a criminal investigation or bring criminal charges. This court has not authority to do so.

Accordingly, the magistrate judge's decision (Doc. 15) regarding plaintiff's motion (Doc. 12), is **AFFIRMED**.

DONE and ORDERED this 25th day of April, 2011.

 /s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE