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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FLOYD SCOTT,

Plaintiff,

v.

J. PALMER, M. H. LOPEZ, and
R. S. RIVERA,

Defendants.

Case No. 1:09-cv-01329-SKO (PC)

ORDER ADDRESSING NOTICE

(Doc. 262)

On July 29, 2009, Plaintiff Floyd Scott (“Plaintiff”), a state prisoner proceeding pro se, filed suit pursuant to 42 U.S.C. § 1983. On October 6, 2015, jury trial commenced on Plaintiff’s Eighth Amendment excessive force claims against Defendants Palmer, Lopez, and Rivera. The jury returned a verdict in favor of Defendants on October 8, 2015, and on October 22, 2015, Plaintiff filed a notice regarding his desire to file a criminal perjury complaint against witness C. Love, a correctional officer. Plaintiff seeks the appropriate form if his notice does not suffice.

The decision whether to bring a federal criminal perjury charge is a discretionary one and it rests exclusively with the Department of Justice. 28 U.S.C. § 547(1); *Wayte v. United States*, 470 U.S. 598, 607, 105 S.Ct. 1524 (1985); *Hantzis v. Grantland*, 772 F.Supp.2d 1, 4 (D.D.C.

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1 2009). The judicial branch is not involved, and Plaintiff's notice is HEREBY DEEMED
2 ADDRESSED.

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4 IT IS SO ORDERED.

5 Dated: November 9, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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