

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 14 2011

GREGORY C. LANGHAM
CLERK

Miscellaneous Criminal Action No. 11-mc-00023-BNB

THOMAS WILLIAM QUINTIN,

Plaintiff, named as Complainant/Agent,

v.

MARCIA S. KRIEGER,

Defendant, named as Defendant/Tortfeasor.

ORDER OF DISMISSAL

Plaintiff, Thomas William Quintin, has attempted to commence a criminal action pursuant to 18 U.S.C. §§ 4 and 241 by filing *pro se* a criminal complaint against the Honorable Marcia S. Krieger.

According to the Court's docketing records, Mr. Quintin is the defendant in Criminal Action No. 09-cr-00398-MSK-1 (D. Colo. filed Sept. 15, 2009) before this Court. In No. 09-cr-00398-MSK-1, Mr. Quintin pleaded guilty (docket no. 20) to the charge of escape, was scheduled for sentencing on April 12, 2011 (docket no. 66), and is to be rescheduled for sentencing (docket no. 76). "[T]he court is permitted to take judicial notice of its own files and records, as well as facts which are a matter of public record." *Van Woudenberg ex rel. Foor v. Gibson*, 211 F.3d 560, 568 (10th Cir.2000), **abrogated on other grounds by *McGregor v. Gibson***, 248 F.3d 946, 955 (10th Cir. 2001).

The Court must construe Mr. Quintin's filings liberally because he is representing himself. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935

F.2d 1106, 1110 (10th Cir. 1991). However, the Court should not be the *pro se* litigant's advocate. *Hall*, 935 F.2d at 1110. For the reasons stated below, this miscellaneous criminal action will be dismissed.

As a private citizen attempting to initiate a federal criminal prosecution pursuant to 18 U.S.C. §§ 4 and 241, Mr. Quintin seeks to invoke the authority of United States attorneys under 28 U.S.C. § 547 to prosecute for offenses against the United States. He may not do so. Courts universally endorse the principle that private citizens cannot prosecute criminal actions. *See, e.g., Cok v. Cosentino*, 876 F.2d 1, 2 (1st Cir.1989) (per curiam); *Connecticut Action Now, Inc. v. Roberts Plating Co.*, 457 F.2d 81, 86-87 (2d Cir.1972) ("It is a truism, and has been for many decades, that in our federal system crimes are always prosecuted by the Federal Government, not as has sometimes been done in Anglo-American jurisdictions by private complaints."); *Winslow v. Romer*, 759 F. Supp. 670, 673 (D. Colo.1991) ("Private citizens generally have no standing to institute federal criminal proceedings."). Therefore, the Court finds that Mr. Quintin lacks standing to invoke the authority of United States attorneys under § 547 to prosecute for offenses against the United States. Accordingly, it is

ORDERED that this miscellaneous criminal action is dismissed because Plaintiff, Thomas William Quintin, lacks standing to initiate a criminal action.

DATED at Denver, Colorado, this 14th day of April, 2011.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 11-mc-00023-LTB

Thomas William Quintin
Reg. No. 99779-012
FCI Englewood
9595 W Quincy Ave
Littleton, CO 80123

I hereby certify that I have mailed a copy of the **ORDER and JUDGMENT** to the above-named individuals on April 14, 2011.

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk