

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Case No. 14-cv-01529-BNB

BRIAN EDMOND BATH,

Plaintiff,

v.

REGGIE BICHA, Personally and Severally, and
JANE AND JOHN DOES 1-100,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Brian Edmond Bath, has submitted to the Court a Criminal Complaint pursuant to 18 U.S.C. § 1342 and an Application to Proceed in District Court Without Prepaying Fees or Costs. For the reasons stated below, the Court will dismiss the action.

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). A plaintiff also cannot recover civil damages for an alleged violation of a criminal statute. *Shaw v. Neece*, 727 F.2d 947, 949 (10th Cir. 1984); see also *Winslow*, 759 F. Supp. at 673 (D. Colo. 1991) (“Private citizens generally have no

standing to institute federal criminal proceedings.”). The action, therefore, will be dismissed because any assertion of jurisdiction under 18 U.S.C. § 1342 is legally frivolous.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order is not taken in good faith, and, therefore, *in forma pauperis* status is denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Plaintiff files a notice of appeal he must also pay the full \$505.00 appellate filing fee or file a motion to proceed *in forma pauperis* in the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. Accordingly, it is

ORDERED that the action is dismissed as legally frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). It is

FURTHER ORDERED that the Application to Proceed in District Court Without Prepaying Fees or Costs (short form), ECF No. 2, is deficient, but will be dismissed as moot because the action is dismissed. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied.

DATED at Denver, Colorado, this 4th day of June, 2014.

BY THE COURT:

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