

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Case No. 14-cv-03385-GPG

ROLLIN LEE SPENCER, and
UNITED STATES OF AMERICA,

Petitioners,

v.

FEDERAL CORRECTIONAL COMPLEX,
M.A. STANCIL, d.b.a. Warden,
MS. T. BRINK, d.b.a. Secretary,
MR. N.F.N. NELSON, Mailroom Officer,
MR. N.F.N. POLAND, Mailroom Supervisor, and
UNKNOWN OFFICERS AND AGENTS OF THE FEDERAL BUREAU OF PRISONS,

Respondents.

ORDER OF DISMISSAL

Petitioner, Rollin Lee Spencer, is a prisoner in the custody of the Federal Bureau of Prisons at a federal prison in Colorado. Mr. Spencer has submitted for filing a Criminal Complaint (ECF No. 2) alleging that Respondents have violated various federal criminal statutes. Mr. Spencer apparently seeks to initiate a criminal case against Respondents in the name of the United States of America. However, the fact that Mr. Spencer has listed the United States of America as a Petitioner in the caption of the Criminal Complaint does not make the United States of America a party to this action. 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. Spencer 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. Spencer lacks standing to invoke the authority of United States attorneys under 28 U.S.C. § 547 to prosecute for offenses against the United States. Accordingly, it is

ORDERED that the action is dismissed because Rollin Lee Spencer lacks standing to file and prosecute a criminal action.

DATED at Denver, Colorado, this 18th day of December, 2014.

BY THE COURT:

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