

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Case No. 14-cv-03386-GPG

ROLLIN LEE SPENCER,

Petitioner,

v.

FEDERAL BUREAU OF PRISONS,
FEDERAL CORRECTIONAL COMPLEX,
WARDEN,
AGENTS,
EMPLOYEES,
S.I.S., and
UNITED STATES OF AMERICA, et al.,

Respondents.

ORDER OF DISMISSAL

Petitioner, Rollin Lee Spencer, is a prisoner in the custody of the Federal Bureau of Prisons at the Federal Correctional Institution in Florence, Colorado. Petitioner has submitted for filing a Criminal Complaint, ECF No. 1. In the Letter he submitted along with the Complaint, Petitioner requests that the Court arrange for a grand jury to hear this case and/or allow him to bring this case to a grand jury. See ECF No. 1-2. 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) (“Private citizens generally have no standing to institute federal criminal proceedings.”). Therefore, the Court finds that Petitioner 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 Petitioner lacks standing to file and prosecute a criminal action.

DATED at Denver, Colorado, this 17th day of December, 2014.

BY THE COURT:

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