

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**  
FEB 15 2011  
Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

Chris Hepburn, )  
 )  
 Petitioner, )  
 )  
 v. ) Civil Action No. 11 0386  
 )  
 Robert Mueller, )  
 )  
 Respondent. )

MEMORANDUM OPINION

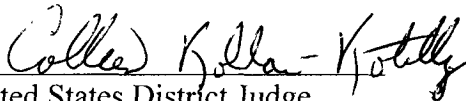
This matter, brought *pro se*, is before the Court on its initial review of the petition for a writ of mandamus and application for leave to proceed *in forma pauperis* (“IFP”). The Court will grant the IFP application and dismiss the case. Pursuant to 28 U.S.C. § 1915(e), the Court is required to dismiss a civil action upon a determination that it, among other grounds, fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915(e)(2)(B)(ii).

Petitioner, a resident of Waterford, Ireland, sues the Director of the Federal Bureau of Investigation. He seeks to compel the FBI to investigate an alleged “theft of funds from [his] late daughter’s charity.” Compl. at 2. The extraordinary remedy of a writ of mandamus is available to compel an “officer or employee of the United States or any agency thereof to perform a duty owed to plaintiff.” 28 U.S.C. § 1361. The petitioner bears a heavy burden of showing that his right to a writ of mandamus is “clear and indisputable.” *In re Cheney*, 406 F.3d 723, 729 (D.C. Cir. 2005) (citation omitted). “It is well-settled that a writ of mandamus is not available to compel discretionary acts.” *Cox v. Sec’y of Labor*, 739 F. Supp. 28, 30 (D.D.C. 1990) (citing cases).

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The United States Attorney General has absolute discretion in deciding whether to investigate claims for possible criminal or civil prosecution. This Court has no authority to compel the Attorney General via the FBI to investigate suspected criminal activity. See *Shoshone-Bannock Tribes v. Reno*, 56 F.3d 1476, 1480 (D.C. Cir. 1995) (citing *Powell v. Katzenbach*, 359 F.2d 234-35 (1965)) (other citations omitted). The Court therefore will dismiss the case. A separate Order accompanies this Memorandum Opinion.

Date: February <sup>4</sup> 10, 2011

  
United States District Judge