



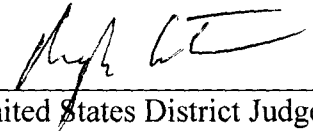
Jurisdiction is wanting for the following three reasons. First, to the extent that plaintiff is seeking an investigation of wrongdoing, the United States Attorney General generally has absolute discretion in deciding whether to investigate claims for possible criminal or civil prosecution and, as applicable here, such decisions are not subject to judicial review. *Shoshone-Bannock Tribes v. Reno*, 56 F.3d 1476, 1480-81 (D.C. Cir. 1995); see *Wightman-Cervantes v. Mueller*, 750 F. Supp. 2d 76, 80 (D.D.C. 2010) (“[A]n agency’s decision whether to prosecute, investigate, or enforce has been recognized as purely discretionary and not subject to judicial review.”) (citing *Block v. SEC*, 50 F.3d 1078, 1081-82 (D.C. Cir. 1995) (other citation omitted)).

Second, plaintiff’s constitutional claims concern the fact or duration of his custody and, thus, are properly pursued via a writ of habeas corpus in a judicial district capable of exercising personal jurisdiction over his warden, which is the U.S. District Court for the Western District of North Carolina. See *Stokes v. U.S. Parole Comm’n*, 374 F.3d 1235, 1239 (D.C. Cir. 2004) (concluding that a “district court [lacks jurisdiction to] entertain a habeas petition involving present physical custody unless the respondent custodian is within its territorial jurisdiction”).

Third, the enactment of laws, punitive or otherwise, is “vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.” U.S. Const. Art. 1, § 1. Therefore, plaintiff’s claim seeking such relief from the Executive-branch defendants deprives the Court of jurisdiction because it “is patently insubstantial, presenting no federal question suitable for decision.” *Caldwell v. Kagan*, 777 F. Supp. 2d 177, 179 (D.D.C. 2011), *aff’d*, 455 Fed. App’x 1 (D.C. Cir. 2011) (quoting *Tooley v. Napolitano*, 586 F.3d 1006, 1010 (D.C. Cir. 2009) (other citations omitted)).

For the foregoing reasons, the Court will dismiss this case without prejudice for the sole purpose of preserving any potential claims arising from the conditions of plaintiff's confinement in North Carolina. A separate order accompanies this Memorandum Opinion.

Date: April 6, 2016

  
United States District Judge