



Third, the complaint does not establish adequately a basis for the Court’s jurisdiction. Plaintiff asserts diversity jurisdiction, *see* Compl. at 3, which requires not only that “the matter in controversy exceed[] the sum or value of \$75,000,” but also that the parties are “citizens of different States,” 28 U.S.C. § 1332(a). Plaintiff meets the first criterion, declaring that the value of the matter in controversy is \$100,000. *See* Compl. at 3. If, as plaintiff suggests, *see id.*, defendants are District of Columbia residents, she fails to demonstrate that the parties are citizens of different states. Absent complete diversity, dismissal of the case is warranted. *See Bush v. Butler*, 521 F. Supp. 2d 63, 71 (D.D.C. 2007) (“When a Court’s subject matter jurisdiction is dependent solely on diversity jurisdiction and the Court finds that complete diversity does not exist, the Court must dismiss the suit.”) (citations omitted).

Fourth, insofar as plaintiff demands criminal prosecution of defendants, *see* Compl. at 7-8, the Court cannot grant such relief. The decision to prosecute an individual, or to decline prosecution, is left to the Executive Branch of government. *See Williams v. U.S. Dep’t of Justice*, 689 F. App’x 645, 646 (D.C. Cir. 2017) (per curiam) (affirming dismissal of “complaint on the grounds that: (1) the U.S. Attorney General has absolute discretion in deciding whether to investigate claims for possible criminal or civil prosecution and such decisions are not subject to judicial review”); *see generally Diamond v. Charles*, 476 U.S. 54, 64-65 (1986) (noting that private citizens cannot compel enforcement of criminal law).

The Court will grant plaintiff’s application to proceed *in forma pauperis* and dismiss the complaint and this civil action without prejudice. An Order is issued separately.

DATE: November 22, 2021

/s/  
COLLEEN KOLLAR-KOTELLY  
United States District Judge