

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
BOWLING GREEN DIVISION**

TYRECUS J. CROWE

PLAINTIFF

v.

CIVIL ACTION NO. 1:22-CV-P63-GNS

UNITED STATES

DEFENDANT

MEMORANDUM OPINION

This is a *pro se* prisoner action. This action was opened upon a filing by Plaintiff Tyrecus J. Crowe titled “Criminal Complaint” in which he names the United States as Defendant.

I.

A criminal action is currently proceeding against Plaintiff in this Court. *See United States v. Crowe*, 1:20-cr-00030-GNS. In the instant action, Plaintiff asserts that an “agent” committed criminal acts in the course of the investigation, arrest, and prosecution of Plaintiff. Plaintiff states that these acts include “aggravated burglary and robbery, trespassing, forging signatures, false imprisonment, aggravated assault, felony theft, [and] grand theft auto.” Plaintiff further alleges that this agent forged signatures to obtain a search warrant and knowingly lied under oath. Finally, Plaintiff writes “Ineffective Council” and then states:

I the defendant in open court has raised these issues pertaining to facts in the case. Failure to adequately investigate and prepare for case. Failure to raise certain motions. Failure to object to improper testimony (hearsay). Failure to address concerns about potential prosecutorial misconduct. Not objecting to errors

Plaintiff concludes the complaint by requesting that this “criminal act of government misconduct be investigated.”

II.

Rule 12(h)(3) of the Federal Rules of Civil Procedure provides, “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” It is axiomatic that federal district courts are courts of limited jurisdiction, and their powers are enumerated in Article III of the Constitution. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994); *Hudson v. Coleman*, 347 F.3d 138, 141 (6th Cir. 2003) (“[I]t is well established that federal courts are courts of limited jurisdiction, possessing only that power authorized by the Constitution and statute.”). “Jurisdiction defines the contours of the authority of courts to hear and decide cases, and, in so doing, it dictates the scope of the judiciary’s influence.” *Douglas v. E.G. Baldwin & Assocs. Inc.*, 150 F.3d 604, 606 (6th Cir. 1998), *overruled on other grounds by Cobb v. Contract Transp., Inc.*, 452 F.3d 543, 548-49 (6th Cir. 2006). The party that seeks to invoke a federal district court’s jurisdiction bears the burden of establishing the court’s jurisdiction. *Kokkonen*, 511 U.S. at 377.

“It is well settled that the question of whether and when prosecution is to be instituted is within the discretion of the Attorney General.” *Powell v. Katzenbach*, 359 F.2d 234, 235 (D.C. Cir. 1965). Only federal prosecutors, and not private citizens, have authority to initiate federal criminal charges. *See Sahagian v. Dickey*, 646 F. Supp. 1502, 1506 (W.D. Wis. 1986); *see also United States v. Nixon*, 418 U.S. 683, 693 (1974) (“Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case.”); *see also Saro v. Brown*, 11 F. App’x 387, 388 (6th Cir. 2001) (“A private citizen has no authority to initiate a federal criminal prosecution; that power is vested exclusively in the executive branch.”).


Plaintiff is a private citizen and cannot initiate criminal charges against anyone. He therefore fails to establish the Court’s subject-matter jurisdiction over this action, and the action

must be dismissed.

III.

For the foregoing reasons, the Court will dismiss the action under Fed. R. Civ. P. 12(h)(3) by separate Order.

Date: June 2, 2022


Greg N. Stivers, Chief Judge
United States District Court

cc: Plaintiff, *pro se*
U.S. Attorney
4416.011