IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID PITLOR, Plaintiff, vs. T.D. AMERITRADE and KUTAK ROCK LLP, Defendants.	8:17-CV-359 ORDER

This matter is before the Court on a filing by the plaintiff (filing 10) that the Court understands, in part, to be a motion to reconsider. The motion will be denied.

Briefly summarized, the plaintiff asks the Court to reconsider its Memorandum and Order of September 28, 2017 (filing 6) denying his motion for temporary restraining order (filing 2). The Court sees no basis to reconsider its conclusions that the plaintiff has failed to show irreparable harm, a likelihood of success on the merits, or that injunctive relief would be in the public interest. Filing 6 at 2.[1]

The plaintiff is also particularly advised that, contrary to his apparent belief, the Court has no authority to initiate or compel a criminal investigation. *See*, *e.g.*, *United States v. Batchelder*, 442 U.S. 114, 124 (1979) (whether to prosecute rests in prosecutor's discretion); *Parkhurst v. Tabor*,

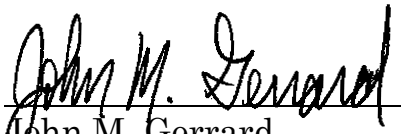
[1] The Court also notes that pursuant to Fed. R. Civ. P. 65(b)(1)(B), a temporary restraining order may issue only upon certification, in writing, of "any efforts made to give notice" of the motion "and the reasons why it should not be required." No such certification is present in this case—in fact, there is no indication that the plaintiff has endeavored to serve process, as required by Fed. R. Civ. P. 4(c).

569 F.3d 861, 867 (8th Cir. 2009) (crime victims lack standing to compel criminal prosecution); *Inmates of Attica Corr. Facility v. Rockefeller*, 477 F.2d 375, 380 (2d Cir. 1973) (court cannot compel U.S. Attorney to prosecute). Any criminal investigation or prosecution—with or without possession of the plaintiff's laptop computer—must be initiated and undertaken by an appropriate law enforcement agency.

IT IS ORDERED that the plaintiff's motion to reconsider (filing 10) is denied.

Dated this 24th day of October, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge