

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

J. JESUS ARRIAGA-ABONCE,

Plaintiff,

v.

No. 1:20-cv-00113-KG-JHR

RICHARD WILLIAMSON,

Defendant.

MEMORANDUM OPINION AND ORDER
DISMISSING CRIMINAL COMPLAINT

THIS MATTER comes before the Court on Plaintiff’s Criminal Complaint, Doc. 11, filed June 5, 2020.

Plaintiff’s original Complaint, among other things, referenced five cases in state court, asserted that the “Officers of the court involved in the above cited case numbers wantonly violate Articles 6 & 11 of the Lieber Code; as well as Article VI and 14th. Amendment of the Constitution of the United states in new mexico courtrooms flying National Color,” and alleged that “Officers of the Court ... are simulating legal process in contempt of the dignity of the Supreme Court ... using instrumentalities of interstate commerce and the Federal Postal Service for fraud and swindles, stole our identity, violated our civil liberties and violated our protective rights which are protected by the Constitution of the United States.” [sic] Complaint at 1-3, Doc. 1, filed February 7, 2020.

The Court notified Plaintiff that the original Complaint failed to state a claim upon which relief can be granted and granted Plaintiff leave to file an amended complaint. *See* Doc. 5 at 6, filed March 16, 2020.

Plaintiff did not file an amended complaint by the April 6, 2020, deadline. Instead, he filed

an Objection which stated, among other things, that Plaintiff “is the Judge presiding in this Superior Court of Record on HIS OWN VENUE.” Doc. 7 at 1-2, filed April 6, 2020.

The Court dismissed this case because: (i) the Complaint failed to state a claim upon which relief can be granted; (ii) Plaintiff failed to file an amended complaint after being notified that failure to file an amended complaint may result in dismissal of this case; and (iii) Plaintiff’s Objection did not set forth any argument or legal authority showing that the case should not be dismissed. *See* Doc. 9, filed April 10, 2020.

On June 5, 2020, Plaintiff filed the one-page Criminal Complaint, along with 78 pages of attachments, which is now before the Court. The Criminal Complaint alleges that Defendants violated:


- (i) 6 C.F.R. § 37.3, which defines terms used regarding Real ID Driver’s Licenses and Identification Cards.
- (ii) 18 U.S.C. § 401, “Power of court,” which provides:

A court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as—

 - (1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;
 - (2) Misbehavior of any of its officers in their official transactions;
 - (3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.
- (iii) 18 U.S.C. § 242, “Deprivation of rights under color of law,” which imposes criminal penalties for civil rights violations.

The Court dismisses the Criminal Complaint with prejudice because “a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.” *Diamond v. Charles*, 476 U.S. 54, 64 (1986).

IT IS ORDERED that Plaintiff’s Criminal Complaint, Doc. 11, filed June 5, 2020, is **DISMISSED with prejudice.**


UNITED STATES DISTRICT JUDGE