

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA ex. rel.
Raymond Tylicki,

v.

3:06-cv-380 (TJM)

Dr. Steven Saint Onge and Mark Silver, Jr,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

Relator Raymond Tylicki has filed a complaint against Defendants and demands that this matter be the subject of a federal indictment, consideration by a grand jury, or investigation by the district attorney. Tylicki wishes to have criminal proceedings commenced against Defendants. In brief, Relator contends that Defendants violated 18 U.S.C. § 241 when he was forcibly removed from the Clinton County Community College.

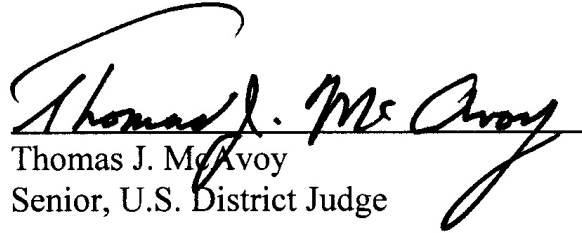
Relator's complaint must be dismissed. It is the settled authority of this Circuit that crimes are prosecuted by the federal government; not private citizens. See Connecticut Action Now, Inc. v. Roberts Plating Co., 457 F.2d 81, 86-87 (2d Cir. 1972) ("It is a truism . . . that in our federal system crimes are always prosecuted by the Federal Government, not by . . . private citizens."); People of the State of New York v. Muka, 440 F. Supp. 33, 36 (N.D.N.Y. 1977) (Munson, J.); In re Guyer, 1996 WL 689376, at *1 (E.D. Pa. 1996); see also Harmon v. Frye, 188 W. Va. 611, 614-15 (1992) (and cases cited therein)

For the foregoing reasons, the complaint filed by Mr. Tylicki is DISMISSED. The

Court further finds that this matter does not warrant referral to the office of the United States Attorney.

IT IS SO ORDERED.

Dated: March 24, 2006


Thomas J. McAvoy
Senior, U.S. District Judge