



draw all reasonable factual inferences in the plaintiff's favor. See De'Lonta v. Angelone, 330 F.3d 630, 633 (4th Cir. 2003).

Inmates have a guaranteed right to reasonable access to both state and federal courts. Ex parte Hull, 312 U.S. 456 (1941). However, that right extends only to the enforcement of "personal rights in civil litigation." Lopez v. Robinson, 914 F.2d 486, 494 (4th Cir. 1990). "No citizen has an enforceable right to institute a criminal prosecution" of another person or to challenge the policies of the prosecuting attorney.<sup>1</sup> Id. (citing Linda R. v. Richard D., 410 U.S. 614, 619 (1973)); Walker v. Schmoke, 962 F. Supp. 732, 733 (D. Md. 1997) ("[N]o federal appellate court, including the Supreme Court . . . has recognized that there is a federally enforceable right for the victim to have criminal charges investigated at all, let alone with vigor or competence.") (emphasis omitted); Fulson v. City of Columbus, 801 F. Supp. 1, 6 (S.D. Ohio 1992) ("A public official charged with the duty to investigate or prosecute a crime does not owe that duty to any one member of the public, and thus no one member of the public has a right to compel a public official to act."). Moreover, a prosecutor has absolute immunity against legal claims for monetary damages for conduct "intimately associated with the judicial phase of the criminal process," such as deciding whether to pursue criminal charges. Imbler v. Pachtman, 424 U.S. 409, 431 (1976); Lyles v. Sparks, 79 F.3d 372, 377 (4th Cir. 1996).

Under these principles, Trump's allegations cannot give rise to any actionable legal claim under § 1983. As a private citizen, he has no right to compel law enforcement officers or officers of the court to investigate or bring criminal charges against another person. Therefore, he cannot bring a lawsuit to enforce his desire for prosecution of that person. In addition, he cannot proceed with his suit for damages against the Commonwealth's Attorney, as this individual is immune from such claims concerning his decision whether or not to prosecute someone.

---

<sup>1</sup> Trump does not allege that jail officials or anyone else prevented him from reporting his criminal complaint against Duncan to police. Indeed, his allegations indicate that he or his designee was able to inform officials of the suspected crime, but that he is simply unhappy with the degree of interest officials demonstrated.

Accordingly, the court concludes that this action must be summarily dismissed with prejudice, pursuant to § 1915A(b), as legally frivolous. An appropriate order will issue this day.

The plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this memorandum opinion and the accompanying order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk is directed to send copies of this memorandum opinion and accompanying order to plaintiff.

ENTER: This 31<sup>st</sup> day of March, 2010.

  
\_\_\_\_\_  
United States District Judge